



The European Council in 2019

Overview of
dynamics,
discussions and
decisions

STUDY

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The year 2019 provided a respite for the European Council from crisis management, but was not without major challenges. Three stood out: the *Spitzenkandidaten* process for selecting the next President of the European Commission; Brexit, which unexpectedly remained on the agenda of the European Council throughout the year; and policy towards climate change.

The European Council had mixed feelings about the *Spitzenkandidaten* process, with one of its leading members being adamantly opposed. That set the stage for a bruising battle, which culminated in an epic special summit, lasting from 30 June to 2 July. None of the transnational parties' lead candidates received the European Council's nomination. Instead, the European Council nominated a relative outsider, Ursula von der Leyen, as part of a package of appointments to leading EU positions, the cleverness of which managed to overcome differences among national leaders.

Meanwhile, the inability of the UK government to win parliamentary support for the Withdrawal Agreement obliged the UK to request extensions of the deadline. Much to its surprise, the European Council met in the Article 50 format on four occasions in 2019, the last one being on 13 December, to discuss preparations for the negotiations on future EU-UK relations after the UK's eventual departure, which happened on 31 January 2020.

Climate was another issue to the fore in 2019, as the European Council sought to reach unanimity on a commitment by the EU to cut net carbon emissions to zero by 2050. Failure to reach unanimity, during difficult negotiations at the December summit, was seen as a setback for the new President of the European Council, Charles Michel, who was attending his first meeting of the institution in that capacity.

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Executive summary

At the beginning of 2019, members of the European Council knew that the year ahead would be challenging. Apart from anything else, the European Parliament (EP) elections in May would see the beginning of a new institutional cycle, covering the period 2019-2024. The European Council's involvement in launching the new institutional cycle was primarily twofold. One was to make nominations and appointments for the EU's top leadership positions; the other was to set the orientations for the EU by adopting a new Strategic Agenda.

In both cases, the European Council saw itself as carrying out an essential Treaty-based requirement: setting the EU's overall direction. Whereas adopting the Strategic Agenda proved relatively uncomplicated, agreeing on a package of top-level positions was anything but.

In particular, leaders had to juggle the *Spitzenkandidaten* process, first used in 2014 to nominate (by the European Council) and then to elect (by the European Parliament) the President of the European Commission. The European Council had mixed feelings about the *Spitzenkandidaten* process, with one of its leading members, French President Emmanuel Macron, being adamantly opposed. This set the stage for a bruising battle in the European Council.

Leaders first addressed the issue of assigning top jobs at the informal Sibiu summit on 9 May, held a more intensive discussion at a special dinner on 28 May, following the EP elections, and concluded a package deal at an epic special summit, which lasted from 30 June 30 to 2 July. In what turned out to be a process of mutually-assured exclusion, none of the lead candidates received the European Council's nomination. Instead, the European Council nominated a relative outsider, Ursula von der Leyen, before electing Charles Michel, the outgoing Prime Minister of Belgium, as its President.

The European Council had asserted its position and defied the EP by not nominating one of the lead candidates as Commission President. Yet opinion within the European Council was divided on the issue, as it was in the EP. Only a minority of European Council members had either steadfastly supported a lead candidate or staunchly rejected the *Spitzenkandidaten* process. Many others seemed ambivalent, wanting above all to select a slate of sound candidates for the various leadership positions and avoid inter-institutional conflict. The cleverness of the final package managed to overcome differences among national leaders.

Brexit took up much more of the European Council's time in 2019 than leaders had expected at the beginning of the year. The inability of the UK government to win parliamentary support for the Withdrawal Agreement obliged Prime Minister May to request an extension of the deadline, on two occasions. This required the European Council to meet in the Article 50 format on 21 March and on 10 April. Leaders met again in the Article 50 format on 17 October and endorsed a revision of the EU-UK Withdrawal Agreement, which eventually won parliamentary support in the UK. The European Council convened its final Article 50 meeting on 13 December to discuss preparations for the negotiations on future EU-UK relations after Brexit, which happened on 31 January 2020.

Leaders of the EU-27 remained united in their approach to Brexit, but discussions within the European Council about the purpose and length of the proposed extensions were nonetheless protracted and tense. Positions ranged from extreme frustration with the UK to advocacy of a more nuanced and patient approach. By the end of the year, the European Council was more than ready to bid the UK goodbye and turn to a new phase of UK-EU relations.

Climate change and climate action was another issue to the fore in the European Council in 2019. The EU prided itself on being a global leader in climate policy, notwithstanding deep differences among Member States. Such was the case at the regular June summit, when four leaders held out against a commitment for the EU to become the first climate-neutral major economy in the world by 2050.

Leaders returned to the issue at their regular December summit. By that time, climate had become an even more prominent issue for the EU, not least because of Commission President von der Leyen's promise to launch a 'Green New Deal'. Poland was the sole remaining holdout to an agreement among leaders to cut net carbon emissions to zero by 2050; failure to reach consensus on climate policy was deeply disappointing for Charles Michel, who was presiding over his first European Council meeting.

The European Council addressed economic affairs, including the single market, industrial policy, digital policy and research and innovation, at its regular spring meeting in March. Discussions about trade and investment focused largely on China, in preparation for the EU-China summit on 9 April. Leaders also discussed economic and monetary union during 2019, notably in meetings of the Euro Summit on 21 June and 13 December, in both cases in an extended (EU-27) format. They grappled with efforts to strengthen the banking union and reform the European Stability Mechanism, and with other highly technical but also highly political issues, without reaching a definitive agreement.

Relations with China dominated the European Council's discussion of external affairs, at least in the first half of the year; the troublesome behaviour of Russia and Turkey also attracted the European Council's attention. A discussion at the October European Council about whether to open accession negotiations with Albania and North Macedonia proved surprisingly divisive, with President Macron leading the charge against and also calling for a reconsideration of EU enlargement policy. This drew attention to the challenge for the EU of dealing with the western Balkans and of managing the accession of new Member States.

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1. Introduction

Does the European Council have a strong institutional identity? It is the newest of the EU's institutions, having been formally established only in 2009, when the Lisbon Treaty came into effect. It is the smallest EU institution, whose staff consists almost entirely of the President and his cabinet (the European Council depends on the Council Secretariat for essential support). It meets only occasionally, no more than every 6 weeks or so, usually for an afternoon and evening, and the following morning. Yet it is the most powerful political body in the EU.

By all accounts, its members like attending meetings of the European Council. National leaders are among their peers: holders of the highest political positions in the Member States. Apart from the importance of its meetings, the European Council has a political and social significance beyond its stated purpose. Its members benefit from the numerous corridor conversations, chats over coffee and lunch, and formal bilateral and plurilateral meetings that take place in and around a plenary session of the European Council. The opportunity cost of not attending a meeting of the European Council is high. It includes missing out on summits, and missing a chance to shine – or at least appear in a favourable light – on the European stage. Attending a European Council can give leaders a respite from acrimonious domestic politics and a platform on which to burnish their international credentials.

The existence of a standing President has helped instil in the European Council a stronger sense of institutional identity and importance. So has the prevalence of major crises in recent years, which only the European Council has had the political capacity to manage. Apart from crises, certain responsibilities have the potential to bind the European Council institutionally. These include making key appointments and adopting the quinquennial Strategic Agenda. Both occurred in 2019, at the beginning of the new institutional cycle triggered by the European Parliament elections, in May. Making new appointments and adopting the Strategic Agenda for 2019-2024 helped set the EU's overall direction and had the potential to boost the European Council's institutional identity.

Whereas adopting the Strategic Agenda proved uncontroversial, agreeing on a package of top-level positions was anything but. In the case of the Strategic Agenda, leaders were able to draw on various milestones in the [Future of Europe Debate](#), such as the Bratislava Declaration (September 2016), the Rome Declaration (March 2017), the Sibiu Declaration (May 2019), and the many speeches by national leaders in the EP (2018-2019). In addition, the Leaders' Agenda, which the European Council endorsed in October 2017, provided a framework for leaders to try to resolve contentious issues but also hold discussions that would help them to craft the Strategic Agenda. Accordingly, the European Council adopted the new Strategic Agenda in June 2019, without difficulty.

By contrast, there was no easy way to approach the conundrum of top-level positions. Leaders knew that they would need to strive for balance: gender, geographical, party political, and national. But there was an additional complication: the *Spitzenkandidaten* process. This was first used in 2014, when the main transnational parties chose 'lead candidates' at the beginning of the EP election campaign. The idea was that the European Council, with responsibility for nominating the Commission President, taking into account the outcome of the EP elections, would choose the lead candidate deemed by the EP as the most likely to secure a majority when the EP would formally elect the Commission President. Needless to say, the EP was fully behind the new process.

The European Council had mixed feelings about this innovation in 2014. Some members thought that it encroached on their right to nominate a candidate for Commission President without outside interference. Others, especially those who were leading members of the main transnational political parties, were willing to go along with it. It helped in 2014 that the two biggest political groups in the EP after the elections rallied behind Jean-Claude Juncker, the lead candidate of the European

People's Party (EPP), who was also a long-standing member of the European Council. The European Council duly nominated Jean-Claude Juncker, the leading lead candidate, and the EP duly elected him Commission President.

Things were different in 2019. One reason was that neither of the lead candidates of the two largest political parties had been a national chief executive, which was seen as an informal prerequisite for Commission President. Another was that, partly at President Tusk's urging, the European Council was more aware of its institutional identity and prerogatives, and had already declared, in February 2018, that there would be no 'automaticity' between the EP's advocacy and the European Council's nomination of a candidate for Commission President. Yet another reason why 2019 was different was that French President Emmanuel Macron adamantly opposed the *Spitzenkandidaten* process. This was partly because he wanted to protect what he saw as a core European Council responsibility, partly also because the European Parliament had rejected his idea of transnational lists, but perhaps more so because he did not belong to either of the two largest European political parties.

This set the stage for a bruising battle in the European Council over the allocation of the top EU jobs, the centrepiece of which was the Commission President. Prominent members of the EPP stuck by their lead candidate, prominent members of the Party of European Socialists (PES) stuck by their lead candidate, and leaders belonging to the Alliance for Liberals and Democrats for Europe (ALDE) called for the nomination of an ALDE lead candidate (there were several).

The European Council first addressed the jobs issue at the informal Sibiu summit on 9 May, held a more intensive discussion at a special dinner on 28 May, following the EP elections, and concluded a package deal at another special summit, which lasted from 30 June 30 to 2 July. In what turned out to be a process of mutually-assured exclusion, none of the lead candidates received the European Council's nomination. Instead, the European Council nominated Ursula von der Leyen to be Commission President. Belonging to the EPP, being German (like the EPP lead candidate) and a woman, Ursula von der Leyen seemed an inspired choice. The European Council then elected Charles Michel, the outgoing liberal Prime Minister of Belgium, as its President, and selected the Spanish socialist Josep Borrell as High Representative and Christine Lagarde of France as ECB President (subject to various consultations and approvals).

The European Council had asserted its position and defied the EP by not nominating a lead candidate. But had this helped to boost the European Council's institutional identity? Probably not, as opinion within the European Council was divided on the merits and practicability of the *Spitzenkandidaten* process. It seemed that only a minority of members had either steadfastly supported a lead candidate or adamantly rejected the *Spitzenkandidaten* process. Many others seemed ambivalent, wanting above all to select a slate of sound candidates for the various positions and avoid inter-institutional conflict. The cleverness of the final package helped to overcome differences within the European Council.

Brexit was an issue that could easily have divided the European Council (strictly speaking, the EU-27 in the Article 50 format). The United Kingdom was due to leave the EU on 29 March 2019, but failure to win parliamentary support for the Withdrawal Agreement obliged Prime Minister May to request an extension of the deadline, on two occasions. This, in turn, obliged EU leaders to meet in the Article 50 format on 21 March, the first day of their regular spring summit, and on 10 April, in a special session, to consider the UK's requests. Leaders also discussed Brexit briefly at the end of their regular June summit, without formally convening an Article 50 meeting, but they met again in the Article 50 format on 17 October and endorsed a revision of the EU-UK Withdrawal Agreement, which eventually won parliamentary support in the UK. In addition to holding its regular end-of-semester summit on 12 December, the European Council convened an Article 50 meeting on 13 December to discuss preparations for the negotiations on future EU-UK relations after Brexit, which happened on 31 January 2020.

Clearly, Brexit took much more of the European Council's time in 2019 than leaders had expected at the beginning of the year. Leaders remained united on the issue, but discussions within the European Council about the purpose and length of the proposed extensions were nonetheless protracted and tense. Positions ranged from extreme frustration with the UK to advocacy of a more nuanced and patient approach. By the end of the year, the European Council was more than ready to bid the UK goodbye and turn to a new phase of UK-EU relations.

The European Council addressed economic affairs, including the single market, industrial policy, digital policy, and research and innovation, at its regular spring meeting, on 21-22 March. Leaders also discussed economic and monetary union (EMU) in 2019 during two meetings of the Euro Summit, on 21 June and 13 December, both in an extended format. At both meetings, leaders grappled with efforts to strengthen the banking union and reform the European Stability Mechanism, and with other highly technical but also highly political issues, without reaching a definitive agreement.

Climate was another issue to the fore in the European Council in 2019. The EU's apparently progressive position on climate policy disguised deep differences among Member States. Such was the case at the regular June summit and again at the regular December summit. By that time, climate had become a pressing issue for the EU, especially because of the newly-appointed Commission President's promise to launch a 'Green New Deal'.

Poland was the sole remaining holdout at the end of the year; failure to reach consensus on climate policy was deeply disappointing for Charles Michel, who was presiding over his first European Council meeting. The issue would need to be addressed again in 2020, not least in the context of the multiannual financial framework, an issue that leaders discussed occasionally in 2019 but put off for serious negotiation until the new year.

Relations with China dominated the European Council's discussion of external affairs, at least in the first semester of the year, in preparation for the EU-China summit on 9 April. The European Council did not explicitly address EU-US relations, but touched on them in the context of trade and investment policy. The troublesome behaviour of Russia and Turkey also attracted the European Council's attention. A discussion at the October European Council about whether to open accession negotiations with Albania and North Macedonia proved surprisingly divisive. This drew attention to the challenge for the EU in the past few years of dealing with the western Balkans, and to the limits of EU enlargement policy.

This report assesses the work of the European Council in 2019, examines its membership and political dynamics, and discusses its agenda and key decisions. It was a year without the unrelenting pressure of persistent crises: EMU reform was desirable but no longer pressing; migration was absent from the European Council's agenda; Brexit continued to trouble EU leaders, but for procedural rather than substantive reasons. Making key appointments, especially that of the Commission President, could have bound the European Council more closely together, but deep differences among national leaders over the *Spitzenkandidaten* process risked pulling its members apart. Adopting the Strategic Agenda for 2019-2024 was important for the European Council, and blissfully uncontroversial. In retrospect, it is easy to see 2019 as the quiet before the storm of the coronavirus pandemic. But at the time, at the end of a busy year, leaders could look back on 12 months of serious challenges and some real accomplishments.

2. Meetings, members, and other attendees

2.1. Introduction

This section describes the meetings of the European Council in 2019, in its various formats. It also explains the changing composition of the European Council, not only because of the turnover in the presidencies of the Commission and the European Council, but also because of changes at the top in national leadership. The section lists as well the guests who attended European Council meetings in 2019.

2.2. Meetings

The Treaty on European Union (TEU) stipulates that ‘The European Council shall meet twice every six months’ (Article 15.3 TEU). In 2019, as in previous years, the European Council’s regular, four-times-a-year meetings took place on [21-22 March](#) and [20-21 June](#), in the first half year, and [17-18 October](#) and [12-13 December](#), in the second half of the year.

The Treaty goes on to say that ‘When the situation so requires, the President shall convene a special meeting of the European Council’ (Article 15.3 TEU). Following the outcome of the 2016 UK referendum on whether to leave or remain in the EU, the European Council decided to organise its Brexit-related discussions in the form of special Article 50 meetings, named after the TEU article dealing with the withdrawal of a Member State. Article 50 meetings brought together 27 of the 28 national leaders, the UK Prime Minister being the exception. (The need for Article 50 meetings ended with the UK’s departure from the EU in January 2020.) There were four Article 50 meetings in 2019: on [21 March](#); [10 April](#); [17 October](#); and [13 December](#). Apart from the 10 April meeting, these coincided with regular European Council meetings.

A close relation of the European Council, arguably constituting a special European Council format, emerged during the euro crisis. This was the Euro Summit, which brings together the leaders of the euro-area countries, the Euro Summit President, who is also the president of the European Council, and the President of the European Commission, in order to provide strategic guidelines on economic policy in the euro area. There were two meetings of the Euro Summit in 2019, on [21 June](#) and [13 December](#), both of which coincided with regular European Council meetings.

Since the launch by EU leaders of the Lisbon Strategy for economic modernisation, in March 2000, the regular March meeting of the European Council has focused on jobs, growth, and competitiveness. The agenda for the 21-22 March 2019 summit duly emphasised this policy field, but leaders spent the evening of 21 March meeting in the Article 50 format to discuss the increasingly complex Brexit situation, in the run-up to the 29 March departure date, and to consider a UK request for an extension of the deadline. The longer-than-expected Article 50 meeting gave leaders relatively little time on the second day of the summit for other business, notably the main agenda item (economic reform), climate change, fighting disinformation, and the upcoming summit with China. Leaders issued [separate conclusions on Article 50](#) and for the [regular European Council](#), which took place only on 22 March.

Leaders held an Article 50 summit on 10 April to consider a request from the UK government for a second Brexit extension, which, after difficult discussions, they granted. After the meeting, the European Council (Article 50) issued [conclusions](#).

At the regular June meeting, leaders had an unusually full programme. On 20 June, they adopted the EU’s Strategic Agenda for 2019-2024 and discussed climate, disinformation, the multiannual financial framework (MFF) and external relations, including Russia and Turkey. They also continued the highly-fraught process of making nominations and appointments for the EU’s top jobs

(President of the European Council, President of the European Commission, President of the European Central Bank and the High Representative for Foreign and Security Policy), before deciding to continue their deliberations on this sensitive matter at a special meeting, at the end of the month.

On 21 June 2019, leaders participated in the Euro Summit, in an extended format – including all national leaders, not just the leaders of euro area countries – to review the work done by finance minister in the Eurogroup on deepening economic and monetary union. At the end of the summit, the EU-27 briefly discussed Brexit, without formally convening an Article 50 meeting. The European Council issued [conclusions for its regular 20 June meeting](#) and a statement for its [21 June Euro Summit](#).

The European Council met on 17 and 18 October 2019 to discuss a number of issues including the MFF, EU enlargement, Turkey, climate, and priorities for the next 5 years. On 17 October, leaders met in the Article 50 format and endorsed the deal reached by the EU negotiator and the UK government to revise the EU-UK Withdrawal Agreement, which would take some time, beyond the previously-agreed 31 October deadline, to enter into force. The European Council issued conclusions for its meetings in both the [regular](#) and [Article 50 formats](#).

In addition to holding its regular end of semester summit on 12 December, the European Council convened a Euro Summit and an Article 50 meeting on 13 December. The Article 50 meeting was relatively brief, as leaders discussed preparations for the negotiations on future EU-UK relations after Brexit, which happened on 31 January 2020. Meeting in their regular format, EU leaders dealt almost exclusively with climate change, a subject of lengthy and difficult discussions, and touched also on the MFF and external relations, among other issues. The European Council issued conclusions for its [regular meeting](#) and [Article 50 meeting](#), and a [statement for the Euro Summit](#).

As well as holding meetings in the (extended) Euro Summit and the Article 50 format, leaders held three irregular meetings in 2019. The first of these took place in [Sibiu, Romania, on 9 May](#) (Romania held the Council presidency at the time). This informal meeting was foreseen in the Leaders' Agenda, a work programme, drawn up by the President and approved by the European Council in October 2017, intended to guide EU action up until the 2019 European Parliament elections. EU leaders not only celebrated Europe Day, but also issued a largely hortatory Sibiu Declaration and discussed plans for the coming years with a view to formulating the 2019-2024 Strategic Agenda, which they duly adopted at the European Council in June 2019. Apart from the Declaration, leaders did not issue conclusions or a statement after the Sibiu meeting. The Sibiu summit stands out for its relatively relaxed proceedings, the lack of contestation among leaders, the evident enthusiasm with which the Romanian President hosted the event in his native city, and Sibiu's warm welcome for the participants.

In Sibiu, leaders agreed to hold an [informal meeting on 28 May](#) to continue their discussions about nominations and appointments, especially concerning the European Commission President, in light of the outcome of the EP elections. At an informal dinner on 28 May, leaders took stock of the results of the elections and began the nomination process for the new heads of EU institutions. As with the Sibiu meeting, leaders did not issue conclusions or a statement after the 28 May meeting.

Having begun in earnest their discussion of nominations during their regular June European Council, leaders decided to continue talks at a [special meeting, beginning on 30 June](#). During a series of plenary sessions and bilateral and plurilateral meetings spanning an unusually long time (the summit continued until 2 July), leaders discussed and eventually agreed on the nominations for the four top-level positions, and [issued conclusions](#).

2.3. Members

The TEU states that: 'The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission.' Whether a Member State is represented in the European Council by a head of state or government depends on constitutional arrangements or political convention in each country. Four of the 28 Member States in 2019 were represented by heads of state: France, Lithuania, Romania and Cyprus, whose leader is also head of the government.

Of the EU's political institutions (European Council, Council of the EU, European Commission and European Parliament), the European Council experiences by far the most turnover or 'churn'. Whereas European Commissioners and Members of the European Parliament (MEPs) have fixed, five-year terms, national leaders may lose office at any time, for a variety of reasons, even if they supposedly have fixed terms (much depends on national constitutions and political practice). Moreover, national elections that result in a change of leader take place at different times in different Member States. In any given year, in an EU of 27 Member States, there is likely to be a number of elections, some of which will probably produce a change of leadership. (The Council of the EU experiences similar churn, but government ministers have relatively more security of tenure than national leaders.)

In 2019, there were 10 changes of national leader in the European Council, involving eight Member States:

- Following tortuous negotiations in the wake of the October 2018 general election, Krišjānis Kariņš, leader of the small New Unity party, formed a new coalition government in Latvia in January 2019. Prime Minister Kariņš attended every European Council meeting in 2019.
- On 27 May, Austrian Chancellor Sebastian Kurz lost a no-confidence vote in the national parliament and left office the following day. The next evening, the European Council held an informal dinner to discuss the outcome of the European Parliament elections. Finance Minister Hartwig Löger represented Austria at the meeting, as Chancellor pro tempore. In early June, Brigitte Bierlein took office at the head of a technocratic government, pending the outcome of the September 2019 national elections, and represented Austria at the June European Council. As it took several months to form a new government after the elections, Chancellor Bierlein continued to represent Austria in the European Council during the rest of the year.
- Belgium held national, regional and European elections on the same day in May 2019. The results of the national elections were inconclusive, with the liberal party of incumbent Prime Minister Charles Michel doing poorly. Prime Minister Michel remained in office pending the formation of a new government, which he was not expected to lead. Indeed, he was replaced on 28 October as acting Prime Minister by Sophie Wilmès, from his liberal party. Prime Minister Wilmès represented Belgium in the December European Council, which Michel also attended as the new European Council President.
- In Denmark, Prime Minister Lars Rasmussen was unable to form a government after the 5 June election. The Social Democrats' leader, Mette Frederiksen, managed to form a government at the end of the month, just in time to attend the 30 June-2 July special European Council as Prime Minister (she had attended the 20-21 June European Council as Prime Minister pro tempore). She remained in office throughout the rest of the year.
- Like Austria, Finland had two changes of representation in the European Council in 2019. Prime Minister Sipilä, in office since 2015, announced his intention to resign in early March and stayed on in a caretaker capacity until a new government coalition took over in early June, based on the results of the April general election. Antti Rinne, leader

of the Social Democratic Party, became the Prime Minister. Only 6 months later, Prime Minister Rinne resigned over a dispute in the ruling coalition. Sanna Marin, the newly elected leader of the Social Democrats, then became Prime Minister, in time to attend the December European Council. This change of leadership took place during the country's Council presidency.

- In Greece, New Democracy leaders Kyriakos Mitsotakis became Prime Minister in early July after a decisive general election win. He replaced Alexis Tsipras, who had been Prime Minister since 2015 and who had called the 2019 election after his party fared badly in the European Parliament elections.
- Gitanas Nauseda won the second round of the presidential election in Lithuania on 26 May and was officially inaugurated on 12 July. He replaced Dalia Grybauskaite, who, as President of Lithuania for 10 years (the constitutional term limit), was a veteran member of the European Council. President Nauseda attended his first European Council in October.
- In the UK, Boris Johnson became Prime Minister in July, replacing Theresa May. Prime Minister Johnson attended the October European Council but chose not to attend the next (December) European Council.

The two members of the European Council who are not national leaders – the European Council President and the President of the Commission – enjoy fixed terms that are not subject to political churn. In the case of the President of the Commission, this is a five-year term; in the case of the European Council President, it is a two-and-a-half-year term, renewable once. The five-year term of Commission President Jean-Claude Juncker expired in 2019 (he did not seek reappointment), as did the second term of European Council President Donald Tusk. The two new presidents – Ursula von der Leyen of the Commission and Charles Michel of the European Council – made their debuts at the December European Council, although Ursula von der Leyen was a guest at the October European Council, as Commission President-elect.

One of the most striking aspects of the European Council is the high attendance rate. Heads of State or Government are extremely busy people. Their time is scheduled, indeed rationed, to the minute. Yet throughout the history of the European Council – and 2019 was no exception – it has been rare for a national leader to miss a meeting. The reason for this may seem obvious: the importance of European Council meetings (what political scientists would call their high political salience). But that is not always or not solely the reason why attendance at European Council meetings is so high. Many meetings of the European Council have been less than momentous, and not all of its members play a starring role.

Apart from the significance of the meeting, leaders take the time and trouble to attend because the European Council has a political and social significance beyond its stated purpose. The European Council is an exclusive club whose price of entry is national leadership. Its members enjoy being among their peers, and benefit from the numerous corridor conversations, chats over coffee and lunch, and formal bilateral and plurilateral meetings that take place in and around a meeting of the European Council. To put it another way, the opportunity cost of not attending a meeting of the European Council is high. It includes missing a chance to shine – or at least appear in a favourable light – on the European stage. Attending a European Council can give leaders a respite from acrimonious domestic politics and a platform on which to burnish their international credentials.

In 2019, the leaders of only one Member State did not attend meetings of the European Council. Not surprisingly, that Member State was the UK. Prime Minister May skipped the special summit in Sibiu because the agenda was mostly about the future of the EU, to which she felt she had little to contribute. Her successor, Boris Johnson, skipped the December 2019 European Council because the UK was on the verge of leaving.

The European Council President and the President of the Commission attended all European Council meetings in 2019.

2.4. Other attendees

According to the Treaty, 'The High Representative of the Union for Foreign Affairs and Security Policy shall take part in [the European Council's] work.' Following the major turnover of top EU jobs in 2019, Josep Borrell replaced Federica Mogherini as High Representative and attended his first European Council meeting in that role in December. Federica Mogherini attended all meetings of the European Council in 2019 before leaving office, apart from the informal dinner on 28 May.

The official list of participants for each meeting of the European Council includes the 'General Secretariat of the Council'. In 2019, Jeppe Tranholm-Mikkelsen, the Council Secretary-General, attended every European Council meeting.

The list of participants also includes guests. Foremost among these is the President of the European Parliament, who over time has become a permanent guest of the European Council, although the President's attendance is limited to the opening session. Antonio Tajani was President of the European Parliament until early July 2019; he was succeeded by David Sassoli.

The other guests in 2019 were:

- Mario Draghi, the President of the European Central Bank (ECB), who attended the June Euro Summit, and his successor, Christine Lagarde, who attended the December Euro Summit.
- Michel Barnier, the Commission's Brexit negotiator, who attended the Article 50 meetings.
- Portuguese Finance Minister Mário Centeno, President of the Eurogroup, who attended the June and December Euro Summits.
- Commission-President elect von der Leyen, who attended the regular October European Council. (She attended her first meeting of the European Council as Commission President in December.)
- UK Prime Minister Theresa May, who was a guest at the start of the Article 50 European Council on 10 April.
- The prime ministers of Iceland, Liechtenstein and Norway, who briefly attended the March European Council to mark the 25th anniversary of the European Economic Area.

3. Domestic politics, personal interaction, and combinations within the European Council

3.1. Introduction

Even in countries where elections do not take place, domestic politics can change a leader's fortunes. Leaders' domestic standing can affect their international standing, including their influence in the European Council, real or perceived. The year 2019 saw a high degree of volatility in European politics, across almost all Member States

3.2. The link between domestic politics and European Council dynamics

As noted in the previous section, there were 10 changes of national leader in the European Council in 2019. Many of the other national leaders in office throughout 2019 faced serious, sometimes debilitating, political challenges at home. All competed, albeit indirectly, in the May 2019 European Parliament elections. Long described as second-order national elections, European Parliament elections do not necessarily decide the fate of national governments but can strengthen or weaken the positions of national governments and their leaders. A number of national leaders, apart from some of those who lost office in 2019, also faced general elections. Regardless of the electoral contests that they faced in 2019, most national leaders endured a high degree of domestic political difficulty during the year.

When sitting around the European Council table or otherwise interacting with each other, leaders are well aware of the strength or weakness of their interlocutors' political situations. Power is the currency of politics, national and international. The power of a national leader depends, to a degree, on perception. How is a leader's country regarded? Is a leader seen to be secure in office? How well is a leader handling domestic political, and other, challenges?

The European Council is a cosy and, for the most part, a convivial club. Rivalries undoubtedly exist among national leaders, and deep personal animosities are not unknown within the European Council. Nevertheless, given the generally consensual nature of the European Council, it seems unlikely that a national leader would attempt to exploit another member's political weakness in order to gain an advantage. More likely, because all national leaders operate in contested political arenas, the prevailing sentiment is empathetic. At the same time, leaders who dislike each other may well indulge in *schadenfreude*. Leaders under political pressure at home may enjoy a respite at the European Council, but may also feel constrained in making a contribution there.

In view of the emphasis that he put on the inter-relationship between French and EU politics and policies, Emmanuel Macron stands out as a national leader most likely to be affected by adverse domestic developments. From the outset of his presidential election campaign, in 2017, Emmanuel Macron made clear his ambition to transform France politically and modernise the country economically while shaping the development of the EU. For President Macron, the goals of a resurgent France and a revitalised EU have always been closely interwoven. This was as apparent in his famous [Sorbonne speech](#), before winning election in 2017, in which he laid out a vision for France and the EU, as it was in the editorial that he published in several leading European newspapers on 5 March 2019, at the outset of the EP elections campaign, in which he wrote: 'The

deep transformation of France that I am undertaking doesn't work without a new stage of the European project. That's why the French elected me.¹

The persistent *gilets jaunes* movement, coming second to the eurosceptic *Rassemblement National* in the EP elections (albeit by a smaller margin than predicted), and the large protests in December 2019 against pension reforms therefore represented a setback for President Macron both domestically and on the European stage. But did it affect his performance or his persuasiveness in the European Council? Because we know little about what happens inside the European Council, it is difficult to answer that question. We know from statements and tweets by European Council members, and from investigations by well-informed journalists and think-tank analysts, that President Macron has been the most prominent national leader in the European Council in terms of trying to set the agenda, reach key decisions, and shape the direction of the EU. He has taken forceful and highly visible positions, inside and outside the European Council, on issues such as Brexit, the *Spitzenkandidaten* process, a possible eurozone budget, and the future of NATO. President Macron's domestic difficulties seem not to have hindered his outspokenness on the European stage, whether or not they undermined his effectiveness.

Chancellor Merkel's domestic difficulties were far less serious than President Macron's. Her unassuming leadership style is also vastly different from the French President's assertiveness. Even after the announcement that she would not contest the next federal election, and notwithstanding the stresses within her coalition government, Chancellor Merkel remained a formidable presence in the European Council. It has always been a rule of thumb for observers of the European Council that when the German Chancellor speaks, everyone around the table listens. In breakout meetings, other European Council members almost always seek the German Chancellor's participation. There was no suggestion in 2019, a year of domestic difficulties for Angela Merkel, that the Chancellor's privileged position in the European Council had waned.

Dutch Prime Minister Mark Rutte was another leading member of the European Council whose domestic political position in 2019 seemed tenuous. Moreover, Prime Minister Rutte's influence in the EU was potentially weakened by Brexit, because of the impending departure of a large Member State with which the Netherlands has traditionally been close on a range of institutional and policy issues. Far from retreating in the face of these developments, Prime Minister Rutte seemed to move closer to the centre stage of EU affairs in 2019. He used the opportunity of giving the [keynote 'Churchill' speech](#) in Zurich in early February to assert himself and his country as leading players within the EU. By all accounts, Prime Minister Rutte was especially outspoken within the European Council on important issues such as Brexit, EU external relations and the next MFF. He was particularly critical of countries that were not meeting the deficit and debt rules for eurozone membership, for which he was criticised in the Netherlands for what some saw as an obsession with Italy's precarious fiscal position.²

Prime Minister Sánchez was another national leader whose fragile domestic situation in 2019 did not seem to affect his performance on the EU stage. The influential *Financial Times* observed on 3 July 2019 that 'Spain is re-emerging as a power in the EU', with Prime Minister Sánchez being one of a handful of leaders who helped broker a deal over the EU's top jobs and who contributed actively in discussions about a possible Eurozone budget. For Prime Minister Sánchez, as for other leaders in similar situations, stepping up in the European Council may have been a way to dispel domestic gloom and even strengthen his standing at home by being seen to be a major European player.

¹ Vernay, S., '[ENTRETIEN: Emmanuel Macron s'engage pour peser dans la bataille des européennes](#)', *Ouest-France*, 2019.

² Danning, J., '[Dutch Courage: Is the Netherlands overconfident in its EU influence?](#)', *European Council on Foreign Relations*, 2019.

Apart from domestic politics, national constitutional arrangements affect leaders' performance in the European Council. In President Macron's case, this could be liberating; in Prime Minister Rutte's case, it could be constraining. As the French Head of State, President Macron has a fixed five-year term and does not have to explain himself to the national parliament (he is constitutionally prohibited from speaking before the parliament). Being free of national parliamentary constraints gave President Macron considerable room to manoeuvre in the European Council. By contrast, the Netherlands' system of parliamentary democracy means that Members of Parliament have the opportunity – indeed, the responsibility – of carefully examining European Council conclusions, thereby tying the Prime Minister's hands to a certain extent.

In a revealing interview with *Süddeutsche Zeitung* in May 2019, Chancellor Merkel made a similar point about a basic difference between her constitutional position and that of President Macron: 'I am the Chancellor of a coalition government and much more tied to parliament than the French President, who is not allowed to enter the National Assembly at all.'³ In the case of the Netherlands, the Prime Minister tends to be more constrained on issues concerning economic policy and the MFF, in which Dutch parliamentarians take an avid interest. Of course, the Dutch Prime Minister can use this apparent constraint to advantage by claiming to his fellow national leaders that a particular proposal would never get through the national parliament.

3.3. Inter-personal relations

A scene from a documentary on the European Council produced by *La Chaîne parlementaire*, the television channel of the French national assembly, included a revealing exchange at the opening of the December 2019 summit. Charles Michel, the new President, began the meeting, as is customary, by welcoming new members and congratulating those who were recently re-elected. He included Polish Prime Minister Mateusz Morawiecki. Perhaps not having heard President Michel clearly, Hungarian Prime Minister Orbán, a close ally of Prime Minister Morawiecki, interjected immediately to say that the European Council President should have congratulated his Polish colleague for his recent election victory. Before a startled President Michel could explain himself, Prime Minister Bettel of Luxembourg jumped in to correct Prime Minister Orbán. The scene suggested passive-aggressiveness on the part of Prime Minister Orbán and testiness towards the Hungarian Prime Minister on the part of Prime Minister Bettel, who is personally and politically poles apart from his Hungarian counterpart. A commentator on the exchange, speaking in the documentary, described it as an example of the 'diplomacy and virility'⁴ that is sometimes apparent in the European Council.

As mentioned earlier, the culture of the European Council is nonetheless cosy and consensual, although inevitably its members have their differences. Sometimes leaders simply rub each other up the wrong way. At other times, or additionally, they may have profound political and policy disagreements that spill over into apparent antipathy. Reflecting in early 2019 on his experience in the European Council since 2013, Malta's Prime Minister Joseph Muscat remarked: 'There is a common-sense approach ... I've seen a lot of collegiality.' That said, 'Some of the debates might end up being quite inflamed ... I've seen ... people almost coming to blows with each other on a particular subject. It's quite entertaining.'⁵

³ Fried, N. and Kornelius, S., '[Gewissheiten gelten nicht mehr](#)', *Süddeutsche Zeitung*, 2019.

⁴ Bureau, A. and Noghès, Y.-A., '[Sommet: dans les secrets des négociations européennes: Le climat](#)', *La Chaîne parlementaire*, 2021.

⁵ Eder, F., '[POLITICO Brussels Playbook, presented by Naftogaz of Ukraine: Who's on the Commission's naughty list? — Peek behind Council's veil — Brexit gymnastics](#)', *Politico*, 2019.

Perhaps because of his pre-eminence and precocity, President Macron occasionally incurred the wrath, or at least the exasperation, of other European Council members. Charles Grant, a long-time and well-respected commentator on the EU, noted in a blog post on 14 May the irritation on the part of other national leaders over the French President's behaviour at summits, especially 'his strident and uncompromising performance at the April European Council [on Brexit]'. According to Charles Grant: 'Macron's mercurial style sometimes grates. French officials have on occasion said that he would take a certain line, only to show up [in the European Council] and take a different stance.'⁶ Media reports suggested that President Macron's assertiveness in the negotiations over top-level appointments, at the 30 June–2 July European Council, and strident objection to opening accession negotiations with Albania and North Macedonia, at the October European Council, caused considerable annoyance among other national leaders.

President Macron was notably forthright in his criticism of leaders having a questionable commitment to democracy, notably Prime Minister Orbán. 'I have to fight against him', the Hungarian Prime Minister was quoted as saying about President Macron. 'It's nothing personal, but it's about the future of our country.'⁷ Going beyond his spat with President Macron, Prime Minister Orbán seemed intent in early 2019 on alienating many colleagues in the European Council, where he was already unpopular because of his professed illiberalism. Few mainstream EU leaders would have disagreed, in private at least, with the assessment of Timothy Garton Ash that Prime Minister Orbán 'has demolished liberal democracy in his country over the last decade. Adding insult to injury, he has used taxpayers' money to consolidate his illiberal regime.'⁸ Prime Minister Orbán's well-publicised comments in support of Italy's anti-immigration interior minister, Matteo Salvini, and against Commission President Juncker and the EPP's candidate for Commission President, Manfred Weber, in the run-up to the EP elections, also ruffled feathers in the European Council.

Chancellor Merkel is widely respected in the European Council for being its longest-serving member, for being head of the EU's most influential Member State, for being composed and unflappable, and for being well-prepared and knowledgeable about the topic at hand. Prime Minister Rutte, another European Council old-timer, has had well-publicised run-ins with other leaders, notably Prime Minister Orbán and Prime Minister Morawiecki, over the issue of democratic norms and values. Apart from his government's alleged illiberalism, Prime Minister Morawiecki caused growing irritation in the European Council in late 2019 because of his refusal to sign up to the goal of EU climate neutrality by 2050. Prime Minister Morawiecki's recalcitrance on climate change may have grated on others, but members of the European Council generally understand that domestic economic, political, and social circumstances determine a leader's position. Members of the European Council may disagree with a particular national preference, but they generally appreciate why it is strongly held.

The leaders of small Member States are not necessarily shy about making their voices heard in the European Council. Nonetheless, small Member States are at an inherent disadvantage, regardless of the European Council's egalitarian ethos. The EU may be a unique political entity, but the laws of international relations still apply to its members. While complaining about the direction of the EU, Czech Prime Minister Andrej Babis made this point at his party's congress in Prague in February 2019: 'We want small Member States to have significant influence on Europe's development, so that Europe is not governed just by bigger states...'⁹

⁶ Grant, C., '[The Brussels view of Brexit](#)', *Centre for European Reform*, 2019.

⁷ Eder, F., '[POLITICO Brussels Playbook, presented by Google: Weber tests the waters — Franco-German love-fest preview — Tusk charms Romania](#)', *Politico*, 2019.

⁸ Garton Ash, T., '[Europe must stop this disgrace](#)', *Guardian*, 2019.

⁹ Ponikelska, L., '[EU's smaller members should have bigger say](#)', *Bloomberg*, 2019.

The leader of one small Member State enjoyed disproportionate attention, if not influence, in the European Council in 2019. Because of the likely detrimental impact of Brexit on the island of Ireland, leaders paid close attention to the views of Prime Minister Varadkar during their discussions about the UK's withdrawal. In a sign of Ireland's sudden prominence, Prime Minister Varadkar visited President Macron in Paris on 2 April and hosted Chancellor Merkel at a meeting in Dublin later in the same week, in the run-up to the crucial 10 April European Council (Article 50). Prime Minister Varadkar, who had made an [impassioned pro-EU speech](#) to the European Parliament in January 2018, sought to use his new-found prominence to position himself as an influential voice on other issues on the agenda of the European Council. As his office pointed out before his meeting with President Macron: 'Other matters to be discussed include the future of Europe agenda in advance of the forthcoming summit in Sibiu and the appointment of a new European Commission, Council president and high representative in June.'¹⁰

3.4. Combinations within the European Council

Research suggests that there are no permanent alliances, groups, or combinations of countries within the European Council. Instead, national leaders caucus and act together on an ad hoc basis, depending on the issue under discussion. Nevertheless, certain countries have a close historical affinity and may share a set of economic and other policy preferences. The leaders of those countries may often be on the same side of an argument in the European Council, but not sufficiently often to identify them as belonging to informal groups, let alone formal alliances. The same is true of leaders who are members of the same European political party.

The most obvious combination of countries that comes to mind when discussing inter-state dynamics in the EU, and inter-personal dynamics in the European Council, is France and Germany. Political pundits were quick to point out the limits of Franco-German relations in 2019. Mark Leonard, of the European Council on Foreign Relations, predicted the end of the road for Franco-German influence in the EU, in an article in *Project Syndicate*, in December 2018.¹¹ Dominique Moisi, a leading French commentator on international relations, argued in March 2019, also in *Project Syndicate*, that: 'Whatever marriage of reason might have existed between France and Germany previously, it has given way to estrangement. This is a clash not just of personalities or even political imperatives, but of nostalgias: France craves the grandeur of the Charles de Gaulle era, while Germany recalls fondly the comfortable stability of the Bonn Republic.'¹²

The clash – or at least differences – of personalities between President Macron and Chancellor Merkel was certainly apparent in the European Council throughout the year. As Chancellor Merkel pointed out in her interview with *Süddeutsche Zeitung*, in May 2019: 'We wrestle with each other, there are differences in mentality between us and differences in understanding roles.' Predictably, however, Chancellor Merkel insisted that France and Germany remained on the same 'wavelength' when it came to core EU issues and rejected the idea that she was always opposed to President Macron's ambitious objectives.¹³

Regardless of personalities, France and Germany have a highly-institutionalised relationship, based on the 1963 Élysée Treaty. On the anniversary of the signing of the original Treaty, President Macron and Chancellor Merkel signed an [updated version](#) in Aachen on 21 January 2019. The new treaty reiterated the two countries' commitment to peace, friendship and close international cooperation

¹⁰ Eder, F., '[POLITICO Brussels Playbook: Plane trouble — Brussels vs. rule of law breakers — Sorry, not sorry](#)', *Politico*, 2019.

¹¹ Leonard, M., '[The coming Franco-German bust-up](#)', *Project Syndicate*, 2018.

¹² Moisi, D., '[The ambition Europe needs](#)', *Project Syndicate*, 2019.

¹³ Fried, N. and Kornelius, S., '[Gewissheiten gelten nicht mehr](#)', *Süddeutsche Zeitung*, 2019.

on a range of issues, from cultural affairs to security and defence. Even on such a solemn occasion and on such hallowed ground – Aachen was the capital of Charlemagne, the first Holy Roman Emperor, in whose name the EU awards an annual prize – President Macron could not escape *gilets jaunes* protesters. Nor was the new treaty uncontroversial in France, where the *Rassemblement National* criticised the President for supposedly surrendering French sovereignty and caving in to Germany.

President Macron and Chancellor Merkel had similar motives for signing the new treaty. President Macron sought to reboot Franco-German relations and reverse the growing discord since the beginning of his presidency. He also sought to use a revitalised Franco-German relationship as a means of advancing some of his major European objectives. For her part, Chancellor Merkel sought to reassure President Macron of Germany's reliability as a privileged partner in EU affairs. The largely symbolic Aachen Treaty was a low-cost way of doing so.

As in France, the Aachen Treaty was controversial in Germany, albeit much less so and not because of concerns about sovereignty. Instead, German critics of the Treaty fretted that it would alienate other Member States by implying Franco-German exclusivity in the EU. One of the most prominent critics was Sigmar Gabriel, former leader of the Social Democratic Party, former Foreign Minister, and former Vice-Chancellor, who wrote that, insofar as the Treaty excluded all other Member States, it risked deepening Europe's divisions even further.¹⁴

Other Member States are indeed highly sensitive to what many of them perceive as a Franco-German duopoly within the EU, a sensitivity that became more perceptible in the shadow of Brexit. In an effort partly to counter the impression of Franco-German exclusiveness, President Macron and Chancellor Merkel invited the European Council President and the European Commission President to attend the Aachen event. [Speaking at the ceremony](#), President Tusk cautioned France and Germany not to overlook the other Member States, especially those to the east: 'I will put it bluntly – today Europe needs a clear signal from Paris and from Berlin that strengthened cooperation in small formats is not an alternative to the cooperation of all of Europe. That it is *for* integration, and not *instead of* integration.' To reinforce his point, President Tusk spoke in Polish.

Despite prevailing concern about a Franco-German hegemony, especially in light of the Aachen Treaty, President Macron and Chancellor Merkel differed on most substantive issues discussed in the European Council in 2019. On Brexit, President Macron chafed at granting the UK long extensions to the departure deadline, whereas Chancellor Merkel urged patience and latitude on the part of the EU. On enlargement, President Macron blocked opening accession negotiations with Albania and North Macedonia, whereas Chancellor Merkel sided with the large majority of national leaders in arguing otherwise. On the nomination of the next Commission President, President Macron adamantly opposed selecting Manfred Weber, the lead candidate of the European People's Party, whereas Chancellor Merkel strongly backed Manfred Weber until a late stage in the negotiations, when a belated Franco-German agreement on a slate of nominations and appointments may indeed have proved decisive in resolving the issue.

Outside the European Council but no less important for EU policymaking, France and Germany disagreed over the Commission's proposal for a copyright directive, and Chancellor Merkel took exception to President Macron's outspoken criticism of NATO. Nevertheless, France and Germany were capable of acting together, such as when they issued a [joint paper on industrial policy](#), shortly before the March summit, due in part to their opposition to the Commission's decision in early February to block the creation of a railway equivalent of Airbus through the merger of Siemens (German) and Alstom (French). In a show of accord towards the end of a year replete with Franco-German tension, President Macron and Chancellor Merkel toured an Airbus manufacturing plant in

¹⁴ Gabriel, S., '[Franco-German friendship is not enough](#),' *Project Syndicate*, 2019.

Toulouse in mid-October, where they were photographed having lunch in the fuselage of a plane under construction.¹⁵

Throughout the history of the EU, the close collaboration between France and Germany never broadened into a trilateral relationship involving another Member State. In terms of size and potential influence within the EU, the UK would have been an obvious candidate. For a variety of reasons, this never happened, and certainly would not happen once Brexit was in train. Poland was another possible member of a leadership trio in the EU, but such an outcome also faced formidable historical and political obstacles. In 2019, there was talk of the Netherlands stepping up with France and Germany to provide overall direction in the EU. The *Financial Times* quoted a senior Dutch official saying, in February 2019: 'We talk about the three M's: Merkel, Macron and Mark [Rutte].'¹⁶

Within the European Council, Prime Minister Rutte may well have been vocal and sometimes persuasive. He certainly sought to mediate between Prime Minister May and other leaders at crucial times in the Brexit process, and played an important part in the negotiations over top-level nominations and appointments. He shared the same space on the political spectrum with President Macron and had a good relationship with Chancellor Merkel, based in part on traditional Dutch-German co-operation. But Prime Minister Rutte also had serious differences with both leaders over various issues, not least his opposition to the Franco-German paper on industrial policy, and was never seen by others as being equal to the French President and German Chancellor in the unspoken hierarchy of European Council members. Despite his prominence in the European Council in 2019, there was never a real prospect that a Dutch-French-German triumvirate would emerge in the EU. A report from the Clingendael think-tank in April 2019 suggested that the Dutch government and Dutch citizens consistently overestimated their influence in the EU.¹⁷

One of the many differences between President Macron and Chancellor Merkel is that they do not belong to the same European political party or family. Chancellor Merkel is a stalwart member of the European People's Party; President Macron resolutely refused to join any of the existing European parties, although he caucused with leaders belonging to the smaller Alliance of Liberals and Democrats for Europe Party (ALDE). After the 2019 EP elections, the ALDE group in the EP joined forces with President Macron's *En Marche* to form the Renew Europe group. Observers of the institution frequently debate the extent to which European political party membership matters in the European Council. According to Prime Minister Muscat of Malta, discussions among leaders are 'never a matter of left vs. right ... there are no parties when leaders convene'.¹⁸ This may well be true in general, but Prime Minister Muscat spoke before the European Council deliberated on the *Spitzenkandidaten* process, which, by its nature, divided most leaders along party political lines in 2019.

The leaders of other historic groupings of Member States, such as the Benelux (Belgium, Netherlands, Luxembourg) meet occasionally to discuss issues of common interest but rarely, if ever, identify as a group in the European Council. Leaders of the Visegrad Four, or V4 (Czechia, Hungary, Poland, Slovakia), usually meet before the start of regular summits, but do not necessarily caucus in the summit itself. As a gesture of goodwill, the V4 leaders invited Chancellor Merkel to join them at a meeting in February 2019 in Bratislava, after which the five leaders issued a joint statement calling for unity among Member States: 'There is no place for East-West, North-South, Old-New divides in

¹⁵ Donahue, P., '[Merkel, Macron make a show of unity](#)', *Bloomberg*, 2019.

¹⁶ Brunsdon, J and Khan, M., '[France proposed EU revolution on picking winners](#)', *Financial Times*, 2019.

¹⁷ Dekker, B., Korteweg, R., Sie Dhian Ho, M., and Zweers, W., '[Perceptions of Dutch interest promotion inside the EU](#)', *Clingendael*, 2019.

¹⁸ Eder, F., '[POLITICO Brussels Playbook, presented by Naftogaz of Ukraine: Who's on the Commission's naughty list? — Peek behind Council's veil — Brexit gymnastics](#)', *Politico*, 2019.

the current European Union. The way forward is through an open and sincere dialogue on the basis of mutual trust and respect among all of its Member States.¹⁹

Ad hoc groups of Member States occasionally emerge on particular issues. The most striking example in 2019 was two groups of countries that coalesced around opposite positions in the negotiations for the 2021-2027 MFF. On one side, the 'Frugal Four' – Austria, Denmark, the Netherlands and Sweden – insisted on limiting expenditure to 1 per cent of gross national income, and also wanted to retain budget rebates, thereby reducing their net contributions. On the other side, the 'Friends of Cohesion' – Bulgaria, Croatia, Czechia, Cyprus, Estonia, Greece, Hungary, Italy, Latvia, Lithuania, Poland, Portugal, Malta, Romania, Slovakia, Slovenia and Spain – fought for higher spending and, especially, to maintain generous funding for regional development. Net beneficiaries from the EU budget, the Friends of Cohesion were influential in the previous round of MFF negotiations in 2012 and 2013. In November 2019, the Friends of Cohesion held a summit in Prague to [coordinate their position on the new MFF](#).

Examples of other, more transient groups include the eight Member States (Belgium, Denmark, France, Luxembourg, the Netherlands, Portugal, Spain and Sweden) that issued a '[non-paper](#)' on climate policy before the Sibiu summit in May 2019, urging a target date of 2050 for the EU to achieve net-zero greenhouse gas emissions. Another 'non-paper', this time calling for a more effective EU foreign and security policy, written before a meeting of the Foreign Affairs Council in June 2019, was more typical in that it included both France and Germany. The other signatories were Czechia, Denmark, Finland, the Netherlands, Spain, Sweden and Romania. However, the countries involved in this initiative did not identify themselves as a group within the European Council.²⁰

Apart from the V4, regional groups of national leaders rarely emerge in the European Council. A group of seven countries, variously called the EU Med, the EuroMed 7, and the MED7 (Cyprus, France, Greece, Italy, Malta, Portugal and Spain) meets occasionally, mostly at ministerial level, to discuss issues of particular interest to the Mediterranean Member States. There was no evidence in 2019 that the leaders of those countries caucused in the European Council.

¹⁹ Eder, F., '[POLITICO Brussels Playbook, presented by Google: Meet Germany's new boss — Italy vs. France — Competition heats up](#)', *Politico*, 2019.

²⁰ Peel, M and Khan, M., '[Europe's Global Act](#)', *Financial Times*, 2019.

4. Institutional actors

4.1. Introduction

The European Council President and the European Commission President are institutional actors in the European Council. Both positions changed hands in 2019. The leader of the country in the Council Presidency is an institutional actor as well as being a Head of State or Government. Often, countries in the Council Presidency will subordinate narrow national interests to broader EU interests. Two countries with markedly different cultures, histories and economic profiles held the Council Presidency in 2019: Romania in the first semester and Finland in the second semester.

4.2. The Council Presidency

Since implementation of the Lisbon Treaty, the country in the rotating Council presidency no longer chairs meetings of the European Council. Nevertheless, the leader of the country in the Council presidency has a privileged position in the European Council during the presidency semester. Symbolically, that leader's name appears first in the list of national leaders participating in a European Council meeting (the name of the European Council President appears separately, at the top of the page). The names of the other national leaders come after that of the EU Council President, in the alphabetical order of the country that they represent. Also, together with the President of the European Council and the President of the European Commission, the EU Council President gives a prominent press conference after each regular summit, which is distinct from the usual press conferences given by other national leaders.

Substantively, the Council President delivers a report at regular summits on the implementation, since the last meeting, of European Council conclusions. In addition, the Council President may have special responsibilities for items on the agenda of the European Council. For instance, in March 2019 the European Council agreed that it would come back to the issue of protecting democracy in June, on the basis of a report prepared by the Romanian Presidency in cooperation with the Commission and the High Representative. The [report of the Romanian Presidency](#) 'on countering disinformation and the lessons learnt from the European elections', became a preparatory document for the June summit.

Also in [June 2019](#), the European Council welcomed the work done under the Romanian Presidency on the MFF. The European Council called on the succeeding Finnish Presidency to continue the work and to develop a so-called 'negotiating box' for the next stage of the process. At its next regular meeting in [October](#), further to a presentation by the Finnish Presidency, the European Council exchanged views on key issues of the MFF and called on the Presidency to submit a negotiating box with figures ahead of the next European Council. Following the presentation of the negotiating box by the Finnish Presidency, the European Council briefly discussed the main aspects of the MFF at its [December meeting](#).

At the [same meeting](#), the European Council considered the idea of a Conference on the Future of Europe, which at the time was expected to start in 2020 and end in 2022. The European Council then asked 'the Croatian Council Presidency [January-June 2020] to work towards defining a Council position on the content, scope, composition and functioning of such a conference and to engage, on this basis, with the European Parliament and the Commission'.

Behind the scenes of the European Council, there was considerable concern at the start of 2019 about the ability of the Romanian Presidency to carry out its various responsibilities. As mentioned previously, the political situation in Romania was highly volatile. Nevertheless, President Iohannis, who represented Romania in the European Council, plausibly presented himself as being above the

domestic political fray, as he was head of state and not of government. Romania was a relative newcomer to the EU, having joined in 2007, and had not previously held the Council Presidency. Nor did the Presidency Trio of which Romania was a part – Romania (January-June 2019), Finland (July-December 2019) and Croatia (January-June 2020) – contain a large, experienced Member State, although Finland had held the presidency twice before.

A glittering ceremony held to launch the Romanian Presidency in Bucharest in January 2019 attracted anti-government protesters. President Tusk [struck a slightly jarring note when he warned](#), with respect to Romania's questionable record on combating corruption and defending democracy, against 'those in the European Union who might think that playing outside the agreed rules and cutting corners means strength'. The following month, in a [tweet](#) following a meeting with Prime Minister Dăncilă, President Tusk criticised the Romanian government for actions that could undermine the rule of law: 'Maybe I'm old fashioned, but I still believe that it's for judges, not politicians, to decide who's guilty and who's innocent.'

Yet President Tusk was lavish in his praise for President Iohannis's contribution to the Council Presidency and to the work of the European Council. In a [statement](#) at the end of the informal summit in Sibiu in May 2019, President Tusk enthused: 'I would like to thank President Iohannis for organising and hosting the Sibiu Summit. When we met in January, at the beginning of your Presidency – when I spoke with such conviction, and so emotionally about Romania – I was speaking with confidence, because I know that you are truly remarkable. You have organised an exceptional summit and you can be proud of your work, just as Europe is proud of you. I have fallen in love with Sibiu, the whole of Europe has fallen in love with you.'

It is customary for the European Council President to congratulate the outgoing Council President at the end of each semester. [Speaking after the June European Council](#), President Tusk said: 'Last but not least, I would like to thank President Iohannis and his entire team for an energetic and successful presidency. You managed to have ninety pieces of legislation agreed in the last one hundred days before the European elections, including on border protection, reducing CO2 emissions and building a digital Europe. That is impressive. You made good progress on the Multiannual Financial Framework package. And, of course, you hosted last month's EU summit in beautiful Sibiu, a Europe Day that we will always remember.'

It is rare for a country to have a change of government or leader during its Council presidency – indeed, some countries informally put domestic politics on hold during their presidential semester – but Finland acquired a new Prime Minister in December 2019, when Sanna Marin, the newly-elected leader of the Social Democrats, replaced Antti Rinne following a dispute in the ruling coalition. Having an ambitious national climate target (full carbon neutrality by 2035) and having several Green party politicians in its coalition government, Finland put a premium during its Council presidency on climate policy, which was a key issue for the European Council in the second half of 2019. The new Finnish Prime Minister worked closely with the new European Council President at the December European Council to win a commitment by most national leaders to making the EU climate-neutral by 2050. Despite their efforts, Poland would not commit to implementing this objective, thereby obliging the European Council to come back to the topic in June 2020.

Inevitably, the difficult discussions over climate became bound up in the negotiations on the MFF. Finnish hopes of bringing the MFF negotiations to a conclusion by the end of 2019 were unrealistic. Moreover, Finland's draft plan to limit the new MFF to 1.07 per cent of GNI was deeply unpopular with the 'Friends of Cohesion', a collection of countries, many in central and eastern Europe, that are net beneficiaries of the EU budget. Nor did the Finnish draft win friends in the European Commission or the European Parliament. At the December summit, leaders called on the European Council President, Charles Michel, to take the negotiations forward in 2020 with the aim of reaching a final agreement. Nevertheless, they underlined that the next MFF would significantly contribute to

climate action, with tailored support for regions and sectors most affected by the transition being made available from the Just Transition Mechanism, proposed by the Commission. At the beginning and at the end of [his remarks following the December summit](#), Charles Michel congratulated and thanked the Finnish Presidency.

4.3. The Commission President

The Commission supports the work of the European Council in various ways, including contributing background papers, undertaking work suggested or requested by the European Council, and otherwise following up on summit conclusions. The Commission is also deeply involved in issues that come before the European Council, such as the MFF, negotiations for which begin with a Commission proposal. The Commission President participates fully in discussions among national leaders despite not being a principal member of the institution (the Commission President cannot vote), and has a strong institutional foundation from which to project influence and authority. Within the European Council, the Commission President's influence depends as well on interpersonal relations, especially on the closeness or otherwise of relations with key national leaders, notably the French President and the German Chancellor.

4.3.1. President Juncker

When he took office in 2014, Jean-Claude Juncker, Commission President until his retirement on 30 November 2019, promised to lead a 'political' Commission. As he explained in October 2020, almost a year after leaving office: 'By this I meant that I was neither the secretary of the European Council nor the slave of the European Parliament, to make it clear that the Commission was independent ... "Political" also means that the Commission must have its own ideas, that it must not give up and relinquish at the first hurdle and, therefore, that it must be able to say "no" to the European Council.'²¹ This statement hints at a peculiarity in the Commission President's position within the European Council: the Commission President is a member of an institution with which another institution, which they head, is sometimes in conflict.

President Juncker had immense experience as a member of the European Council. Before becoming Commission President, he had been the Prime Minister of Luxembourg for 18 years. He had also chaired the Eurogroup for almost a decade, thereby gaining unrivalled familiarity with the intricacies of EMU. Jean-Claude Juncker's long experience as a national leader stood him in great stead in the European Council during his tenure as Commission President. So did his long acquaintance with Chancellor Merkel and their roles as leading members of the European People's Party.

Like other members of the European Council, Jean-Claude Juncker had got to know Emmanuel Macron only after the new French President attended his first summit in June 2017. Emmanuel Macron and Jean-Claude Juncker may not have been particularly close, but they developed a good working relationship. President Juncker appreciated President Macron's passionate advocacy of deeper European integration and defence of EU democratic norms and values, but disagreed deeply with President Macron's rejection of the *Spitzenkandidaten* process. Having been nominated as Commission President in 2014 following the inaugural application of the process, and being a strong supporter of Manfred Weber, the lead candidate whose party – Juncker's own EPP – had won the 2019 EP elections, President Juncker clashed openly and repeatedly with President Macron on this issue.

The disappointing outcome of the *Spitzenkandidaten* process in 2019 demonstrated, to some extent, President Juncker's limited influence on that issue in the European Council, not only by virtue

²¹ Marchais, I. and Levy, H., '[Exclusive interview with Jean-Claude Juncker: 'Europe is a world power and unaware of it'](#)', *Foundation Robert Schuman*, 2020.

of being Commission President rather than a national leader, but also because his tenure was coming to an end. President Juncker was centrally involved in the European Council's dealings with Brexit in 2019, not least because the Commission was responsible for interacting with the UK on behalf of the EU-27. On some other key issues in 2019, President Juncker was less directly involved or less influential than he would have wished, because of his waning time in office. This was true of climate, a policy field in which the Commission plays a central role (President Juncker was out of office by the time of the crucial negotiations at the December summit). It was also true of the MFF negotiations, which did not begin in earnest until 2020.

Institutionally, a Commission President has a singular relationship with the European Council President. The latter has well-defined responsibilities within the European Council that set the office holder apart from the Commission President. Nevertheless, both Presidents symbolise the EU and represent it internationally. President Juncker and President Tusk had worked out their respective representational roles well before 2019. By that time, President Juncker had softened his [suggestion](#), made in the 2017 State of the Union address, to combine both offices. As a result, despite well-known differences between them in political experience, style and temperament, President Juncker and President Tusk enjoyed a comfortable *modus vivendi* by 2019, as both approached the end of their terms in office.

Employing his characteristic effusiveness and playfulness, President Juncker [spoke warmly](#) of President Tusk in a speech to the European Parliament shortly before leaving office: '... I would like to thank President Tusk. We have been twin brothers. Even twin brothers can disagree sometimes. But we had the intelligence to hide our disagreements. So, for you, it probably comes as a surprise that we did have disagreements. But I want to thank Donald for his unfailing cooperation, for a friendship that will last and that I am proud of. Friendships – a word used indiscriminately – are rare in politics. They are rarer still within the same political family, but without Donald I couldn't have done what I've done.'

President Juncker's mention of political families may have been an oblique reference to the deep disagreement between himself and President Tusk, both members of the EPP, on the *Spitzenkandidaten* process, a disagreement that was far from hidden in 2019. On other issues, President Juncker and President Tusk occasionally worked well together. An example, which Jean-Claude Juncker cited in an interview after he left office, was defence policy, an area in which both leaders wanted to see greater EU involvement: 'In order to get this idea of European defence across, we have to explain constantly that it is not a counter-project to NATO, but that it is complementary. This has gone unnoticed, but [President] Tusk and I developed joint actions, signed a number of documents with the NATO Secretary General. Between NATO and the European Union, things are [now] developing in rather a good way.'²²

4.3.2. President von der Leyen

Ursula von der Leyen, who became Commission President on 1 December 2019, is different from Jean-Claude Juncker in many notable respects. Both are members of the EPP, but there the political similarity ends. Whereas President Juncker was a national leader for many years, President von der Leyen had been a government minister for many years, but never a prime minister. Accordingly, whereas President Juncker had vast experience of the European Council before becoming Commission President, President von der Leyen had never attended a meeting of the European Council until she became Commission President-elect. Their political styles were also different:

²² Marchais, I. and Levy, H., '[Exclusive interview with Jean-Claude Juncker: 'Europe is a world power and unaware of it'](#)', *Foundation Robert Schuman*, 2020.

President Juncker being highly extroverted, demonstrative, and affable; President von der Leyen being reserved, tightly-wound, and cautious.

President-elect von der Leyen was a guest of the European Council at its meeting in October 2019. This allowed her to become acquainted with the institution before becoming a member of it in December, and also to discuss her strategic agenda with EU leaders. President von der Leyen was in an awkward position with those national leaders, such as President Macron, whose nominees to the Commission had failed to win EP approval. However, President von der Leyen owed her own nomination in large part to President Macron, and enjoyed a cordial relationship with Chancellor Merkel, in whose governments she had served since 2005.

Just as President Juncker worked out his relationship with President Tusk after they assumed their respective presidencies in 2014, President von der Leyen and Charles Michel began to work on their relations as Commission President and European Council President after each assumed office in December 2019. Whereas President Juncker and President Tusk had already known each other as national leaders in the European Council, and as members of the EPP, President von der Leyen and President Michel were not members of the same European political party and barely knew each other before being nominated to head their respective EU institutions. However, there was nothing to suggest, in late 2019, that the relationship would be anything but positive and productive.

4.4. The European Council President

4.4.1. President Tusk

In 2019, President Tusk was in his final year in office, having been re-elected in 2017 to a second, two-and-a-half-year term. As he left office, at the end of November, President Tusk was only the second incumbent to hold the position of standing European Council President since it came into existence in 2009, following the implementation of the Lisbon Treaty. The contrast between President Tusk and his predecessor, Herman Van Rompuy, who also served a full 5 years, is striking. Although both had previously been national leaders – Herman Van Rompuy in Belgium and Donald Tusk in Poland – each came from countries with vastly different political histories, practices and cultures. Belgian politics are notoriously fractious because of linguistic and regional differences that superimpose upon the usual ideological divides. More so than elsewhere, successful national politicians in Belgium must be consensus-builders. By contrast, politics in Poland are deeply divided along conservative-progressive, nationalist-internationalist, and anti-EU and pro-EU lines. Successful national politicians tend to be tribal rather than inclusive in their leadership styles.

Before becoming European Council President, Donald Tusk was the leader of Civic Platform, a centre-right party on the progressive/internationalist/pro-EU side of Polish politics. As European Council President, he sought to transcend and overcome divisions among national leaders on a range of issues and for a variety of reasons, but his style was noticeably direct, even abrupt, perhaps reflecting his political background. He was frequently scathing in his criticism of the conservative Polish government, led since December 2017 by Mateusz Morawiecki, for taking measures that weakened the rule of law and other democratic safeguards, just as he was of the governments of Hungary and Romania for similar behaviour. This did not cost him the support, in the European Council, of President Iohannis, who was head of Romania but not of the Romanian government. But it ensured him the enmity of Prime Minister Morawiecki and Prime Minister Orbán of Hungary.

President Tusk's combativeness towards the leaders of Hungary and Poland grew more marked in 2019, perhaps because he would soon be leaving office. President Tusk was similarly outspoken on a range of other issues. For instance, he was as critical of Prime Minister May's handling of Brexit in the UK and of her dealings with the EU-27 as he was of EU leaders, such as President Macron, who seemed unwilling to extend the Brexit deadline by a significant amount of time, if at all. He was also

highly critical of President Macron, without naming him publicly, for blocking the opening of accession negotiation with Albania and North Macedonia at the October 2019 European Council. [Speaking after the summit](#), President Tusk asserted that: 'both countries have the right to start EU negotiations as of today. They are ready. Unfortunately, a few Member States are not ready yet. This is why we didn't manage to reach a positive decision. Personally, I think it was a mistake, but I will not comment on it further.' Reporting to the EP after the same summit, he reiterated that 'this was a mistake', and added: 'which I have said to the leaders (and I was a bit more direct then).'

On another external relations issue, President Tusk took aim at President Macron and Prime Minister Orbán while criticising Russia, toward which President Tusk had taken a particularly hard line throughout his presidency. In a [speech](#) at the College of Europe in Bruges shortly before leaving office, President Tusk observed: 'President Macron says that he shares the same views on this subject [a rapprochement with Russia] as Viktor Orbán, and that he hopes that Mr Orbán will help convince Poles to change their position on Russia. Maybe, but not me, Emmanuel.' President Tusk added that, during his time in office: 'I had to publicly remind others, almost every week, that Russia is not our "strategic partner", but our "strategic problem".'

In [the same speech](#), President Tusk said: 'I want to tell you something I wouldn't have dared to say a few months ago, as I could be fired for being too frank.' His revelation, about Brexit, was neither new nor shocking. Nor was it novel for President Tusk to be frank in public, let alone, presumably, in the privacy of the European Council. Examples of President Tusk's forthrightness, perhaps verging on abrasiveness, abounded in 2019, especially in his tweets and Instagram posts. One of the most infamous of these was a [tweet](#) on February 6: 'I've been wondering what that special place in hell looks like, for those who promoted #Brexit, without even a sketch of a plan how to carry it out safely.' The reaction in the UK, especially in pro-Brexit circles, was predictable.

President Tusk was far from reluctant to reveal his own positions when making his post-summit statements and reporting to the European Parliament on a summit outcome. In his statement after the March Article 50 summit, he [noted that](#): 'The UK Government will still have a choice of a deal, no-deal, a long extension or revoking Article 50', which was clearly his preference. In his [remarks](#) after the regular March summit, President Tusk added: 'The fate of Brexit is in the hands of our British friends. We are, as the EU, prepared for the worst, but hope for the best. As you know, hope dies last.' [Reporting to the EP](#) on the difficult Brexit summit of 10 April, at which leaders finally agreed to grant a flexible extension of the Article 50 period until 31 October 2019, President Tusk revealed that 'I proposed such a change, as in my view it has a few advantages'.

President Tusk made no secret of his belief that Brexit was an epic mistake and of his optimism that somehow the decision might be reversed. As he [commented](#) at the end of the October summit, at which EU leaders had endorsed the revised Withdrawal Agreement: 'On a more personal note, what I feel today is sadness. Because in my heart, I will always be a Remainer. And I hope that if our British friends decide to return one day, our door will always be open.' For someone so steeped in the harsh lessons of Polish politics, President Tusk seemed inclined to let hope triumph over realism in the case of Brexit. As he [told](#) the EP after the 10 April Brexit summit: 'During the European Council one of the leaders warned us not to be dreamers, and that we shouldn't think that Brexit could be reversed. I didn't respond at the time, but today, in front of you, I would like to say: at this rather difficult moment in our history, we need dreamers and dreams. We cannot give in to fatalism. At least I will not stop dreaming about a better and united Europe.'

On the vexed question of appointments and nominations for top-level jobs, especially the *Spitzenkandidaten* process, President Tusk was eager to expedite decision-making in the European Council. He was less involved in making the decisions themselves than in ensuring a quick and orderly procedure. [Speaking after the Sibiu summit](#), he explained that: 'I intend to maintain this [positive] spirit of the discussion during ... the process of nominating the new EU leadership', and

announced that he would convene a special meeting ‘of all 28 EU leaders, in order to start the nomination process’, soon after the EP elections, on 28 May. He went on: ‘My intention is to carry out the election of heads of EU institutions in a swift, smooth and effective manner. Naturally, this process will follow the rules set down in the Treaties. It should reflect geographical balance as well as demography, so that both large and smaller countries are represented in the highest positions in the EU. To me, the spirit of the Treaty is also important when it comes to gender as well as political balance. Of course, it would be best if we managed to reach consensus on all these decisions. But we have to be realistic. I will not shy away from putting these decisions to the vote, if consensus proves difficult to achieve. The aim is simple: we need effective institutions, and so we need swift decisions. My intention is for the European Council to nominate the new EU leadership in June. I call on everyone to live up to their responsibility to make this possible.’

Most of the day-to-day work of the European Council President involves preparing summits and following up on their conclusions. This requires considerable travel to Member State capitals for discussions with national leaders and many discussions with visiting national leaders in Brussels. The President also oversees contacts between members of his cabinet and national ‘sherpas’ (senior officials charged with coordinating the leaders’ participation in the European Council). The President sends out a letter of invitation shortly before the beginning of each summit, which summarises the purpose of the meeting and often includes the President’s own preferences for the summit’s outcome. Unusually, President Tusk did not send a letter of invitation before the October 2019 summit.

President Tusk was assiduous in carrying out his responsibilities, although his interactions with the Polish and Hungarian Prime Ministers were inevitably strained. Despite his preparatory work, meetings did not always go well or according to plan. The European Council (Article 50) on 10 April was uncommonly disputatious, as leaders discussed the merits and practicability of extending the Brexit deadline. According to media accounts, Chancellor Merkel ‘rebuked Tusk over the chaotic and divisive debate, which the Chancellor apparently felt showed a lack of preparedness by European Council officials’.²³

President Tusk had [introduced the Leaders’ Agenda](#) in October 2017, in an effort to improve the working methods and substantive output of the European Council. The Leaders’ Agenda set out a schedule of meetings until mid-2019, culminating in the Sibiu summit on 9 May. Some of the special Leaders’ Meetings would consist of informal discussions of contentious issues, based not on draft conclusions but on a short note prepared by the European Council President. Rather than seeking firm conclusions, the Leaders’ Meetings would prepare the ground for a more formal discussion of the agenda item at a later meeting of the European Council, where decisions might then be taken. The European Council was due to take stock of the Leaders’ Agenda at the Sibiu summit.

By 2019, however, the Leaders’ Agenda appeared to have run out of steam. Although the Leaders’ Agenda [called for a Leaders’ Meeting](#) to discuss ‘EMU (state of play and any further decisions)’ at the March European Council, no such meeting or discussion took place. Nor did leaders discuss ‘Implementation of the Leaders’ Agenda’ at the Sibiu summit. They nonetheless discussed ‘Preparation of the Strategic Agenda 2019–2024’ in Sibiu, on the basis of a Leaders’ Note, as called for in the Leaders’ Agenda. This paved the way for the adoption of the Strategic Agenda at the June European Council.

In what amounted to his valedictory address, at the College of Europe, President Tusk did not refer to processes or procedures during his work as European Council President, apart from [claiming](#) that he ‘always underlined the role of compromise in European politics. Compromise, negotiations, consensus, the key words, without which we cannot understand the EU.’ Instead, he focused on

²³ Herszenhorn, D., Barigazzi, J., and De La Baume, M., ‘[EU delays Brexit, gives UK new deadlines](#)’, *Politico*, 2019.

what he saw as the main dangers to EU unity – the leitmotif of his presidency – that he faced during the previous 5 years. These were Russia, the euro crisis, the migration crisis and Brexit: issues that risked widening already apparent divisions between northern and southern, eastern and western Europe, and between countries inclined to forge ahead with deeper integration and those unable or unwilling to join them. He also mentioned an additional concern: ‘the protection of the smallest Member States’.

Of the various issues that he mentioned in his speech, Brexit was the most acute in 2019. President Tusk could not have imagined, at the beginning of the year, that the UK would still be a Member State at the end of November, when he left office. As President Tusk [explained](#): ‘I did everything in my power to avoid the confrontational no-deal scenario and extend the time for reflection and a possible British change of heart. I have been called a romantic and an anglophile, both terms, in my opinion, quite suitable and merited. Most importantly, however, Brexit hasn’t divided us. The EU-27 have maintained extraordinary self-discipline and loyalty among themselves.’

President Tusk briefly mentioned in his speech one of most challenging and divisive issues for the EU in 2019: growing illiberalism in certain Member States. While emphasising the importance of conciliation and consensus, President Tusk remarked that ‘there are ... things and issues, which cannot be the subject of compromise and negotiations. And I’m talking about our fundamental values: freedom, the rule of law, the dignity of individuals.’ Although not averse to criticising Hungary, Poland and Romania for democratic backsliding, President Tusk [refrained from doing so](#) in his informal farewell address. Perhaps he appreciated that, of all the potentially divisive issues that the EU faced in 2019, this was the most intractable and subversive.

4.4.2. President Michel

Like Herman Van Rompuy, the first elected President of the European Council, Charles Michel is a former Prime Minister of Belgium. President Tusk joked about this in his [remarks at the handover ceremony](#) for the new incumbent on 29 November: ‘As you may have noticed, the question of leading the [European] Council is an internal Belgian-Polish matter. I don’t see a reason to change it.’ Interviewed soon after Charles Michel’s selection as European Council President, Herman Van Rompuy expressed satisfaction that Mr Michel would be taking on the job, and confidence that he would succeed. Perhaps reflecting sensitivity to a criticism of his own term as European Council President, Herman Van Rompuy rejected the idea ‘that Belgian European Council presidents are Franco-German puppets’.²⁴ Charles Michel certainly has close political ties to President Macron – both leaders’ parties belonged to the same political group (Renew Europe) in the European Parliament – and is on good terms, without appearing to be particularly close, to Chancellor Merkel. Yet there was no suggestion at the time of his election as European Council President that he would be unduly deferential to the French and German leaders.

In [his remarks at the handover ceremony](#), President Michel teased President Tusk by saying that he would ‘perhaps [be] more cautious with my tweets, at least at the beginning’. Otherwise, President Michel promised to ‘take a common-sense approach to problem-solving with innovation and efficiency. I will have my own style. Open for dialogue and committed to building bridges ... But I will certainly speak out when needed.’ He also pledged to ‘use all my energy to reduce bureaucracy’. Charles Michel made a [similar promise](#) in a speech that he gave shortly before becoming President: ‘I won’t hide behind bureaucratic jargon ... or mountains of red tape. I want a frank and honest conversation that leads to decisions and actions.’

Elaborating on the working methods of the European Council, President Michel said that he wanted to ‘try to improve the preparation of our meetings’, so that leaders could ‘focus on strategic debates

²⁴ Khan, M., ‘[Getting Ursula over the Leven](#)’, *Financial Times*, 2019.

rather than drafting sessions of summit conclusions'. He would also aim to promote 'better communication' of the institution's work.²⁵ [Speaking after his first summit](#) as President, Charles Michel remarked that 'I also had the occasion to explain to my colleagues what would be the way of working ... and I have also given some information about an indicative political agenda for next year'.

President Tusk had made similar points when he introduced the Leaders' Agenda in October 2017. The fact that President Michel felt it necessary to reiterate them might suggest that, in his view, the Leaders' Agenda had not been particularly successful. Alternatively or additionally, he may not have wanted to perpetuate an innovation associated with his predecessor. Having attended many summits as a national leader, President Michel may have appreciated that, despite their oft-proclaimed interest in having 'strategic debates', members of the European Council habitually find themselves engrossed in the details of agenda items, arguing over the precise wording of the final conclusions. Such is the nature of the institution.

President Michel stressed another procedural point both before taking office and in his first month in the job: the importance of close inter-institutional cooperation. He was especially laudatory in his remarks about the European Parliament, and devoted considerable time to briefing the EP on the outcome of the first summit over which he presided, in December 2019. Calls from new leaders for inter-institutional cooperation are not unusual, but Charles Michel's emphasis on close European Council-European Parliament relations may have reflected a perception that President Tusk had displayed a degree of impatience with the Parliament, especially as his mandate wore on.

As for the substance of his work, the contents of President Michel's in-tray were well known. Perhaps the most pressing item was climate change, which was foremost on the agenda of the December European Council. In one of his first speeches as European Council President, at the UN Climate Conference COP25 on 2 December, President Michel declared that 'I have a clear goal: to make Europe the first climate-neutral continent on the planet by 2050'. At the December summit, held only 10 days later, President Michel struggled to win the commitment of all Member States to the 2050 target date, with Poland refusing to go along. The lack of consensus on climate policy at the December meeting was a disappointment – if not a setback – for President Michel, who was criticised after the summit not for its conduct or outcome, but for minimising in his post-summit remarks the fact that the EU had not managed to reach consensus.²⁶

²⁵ Brunsdon, J., '[Eastern EU governments demand price for climate neutrality](#)', *Financial Times*, 2019.

²⁶ Bureau, A., and Yann-Anthony, N., '[Sommet: dans les secrets des négociations européennes: Le climat](#)', *La Chaîne parlementaire*, 2019.

5. The 2019-2024 Strategic Agenda

The European Council is responsible for defining ‘the general political directions and priorities’ of the EU (Article 15.1 TEU). Since 2014, it has done so, in part, by adopting a Strategic Agenda which sets out overarching priorities guiding the work of the EU for a period of 5 years. The Strategic Agenda emerged at a time when the European Parliament was launching the *Spitzenkandidaten* process, which thrust the Parliament, the lead candidates and the Commission into a lively debate about the EU’s overall direction. This, in turn, prompted the European Council to assert its role as the EU’s primary agenda setter in the framework of the five-year institutional cycle. The lead-up to and launch of the 2014-2019 Strategic Agenda, regardless of its effectiveness and impact, helped to build the institutional identity of the European Council in the face of an increasingly assertive Parliament and a self-proclaimed ‘political’ Commission.

The Leaders’ Agenda, an initiative launched by President Tusk in October 2017 partly to ensure that the European Council had a chance, occasionally, to think strategically rather than having to deal always with immediate issues, [concluded with an informal meeting](#) in Sibiu on 9 May 2019. The [purpose of the meeting](#) was for leaders to consider the state of the EU after Brexit (the UK was expected to have left by 29 March 2019) and to have a free-flowing discussion, unconstrained by draft conclusions, about the content of the next Strategic Agenda, which the European Council planned to adopt in June, just ahead of the new institutional cycle.

For the meeting, President Tusk prepared a [Leaders’ Note](#) outlining what the next Strategic Agenda might look like. The note consisted of four overriding objectives, in the form of major headings, under each of which was a short blurb, four sub-headings, and, under the sub-headings, several bullet points. The four overriding objectives were:

- Protecting citizens and freedoms
- Developing our economic base: the European model for the future
- Building a greener, fairer and more inclusive future
- Promoting Europe’s interests and values in the world

The Sibiu summit was a relatively relaxed affair. The UK had not yet left the EU, but Brexit, which had preoccupied leaders earlier in the year, had receded from the headlines, albeit temporarily. Institutional appointments, the next issue to preoccupy leaders, would come to the fore after the European Parliament elections, later in May. In Sibiu, therefore, leaders had a rare opportunity to catch their breaths and to think more broadly about the future of the EU. By all accounts, the discussion about EU priorities was lively but not contentious. There was no fundamental disagreement about the content of the Leaders’ Note, although the leaders themselves may have had different views about how best to organise and prioritise the EU’s many objectives.

After the meeting, President Tusk issued the [following statement](#): ‘Two weeks ahead of the European Parliament elections, the leaders have met in Sibiu to begin a discussion on the EU’s priorities for the coming years ... The result of this discussion will come in June, when – as the European Council – we will adopt the EU’s priorities for the next five years, also known as the Strategic Agenda. Without prejudging the outcome of this debate – as it will also be influenced by the European Parliament elections – I can state one thing with complete certainty. The leaders have categorically demonstrated that they want to take full political responsibility not only for single events or challenges, but for the European Union as a whole. Put simply, the Member States and their democratically elected leaders want to actively shape the way the EU functions and develops.’

There are two important points about this statement. First, what Present Tusk described as the beginning of a discussion about the EU’s priorities for the coming years could also be described as the end of a discussion about the future of Europe, which leaders had launched in June 2016,

immediately after the UK referendum on Brexit. The highlights of this debate were a series of statements and declarations about the nature of the EU, its purpose and potential, its usefulness and its value. These included a [short statement](#) by leaders of the EU-27 in June 2016, the [Bratislava Declaration and Roadmap](#) of September 2016, the [Rome Declaration](#) of March 2017 and the [Sibiu Declaration](#) of May 2019. The Sibiu Declaration was more florid and inspirational than the Leaders' Note on the future Strategic Agenda, but the content was similar. In addition to these joint statements and declarations, most EU leaders had [given speeches on the future of the EU](#) in the European Parliament, beginning in January 2018 and ending in April 2019.

The second point about President Tusk's Sibiu post-summit statement is his emphasis on the European Council's 'political responsibility' not only for crisis response ('single events or challenges'), but also 'for the European Union as a whole'. Here, President Tusk was asserting the European Council's primacy as the EU's strategic leader, ahead of the Commission and the Parliament. As President of the European Commission and as a member of the European Council, Jean-Claude Juncker was an EU leader, but he also wanted his 'political' Commission to be an institutional leader, perhaps *the* institutional leader, of the EU. He had made that clear in successive State of the Union speeches. Moreover, on 30 April 2019, the European Commission set out [policy recommendations for the Strategic Agenda for 2019-2024](#) for leaders to consider at the Sibiu summit. The Commission document pointed out that President Juncker had proposed the Sibiu summit in his 2017 State of the Union address, 'when he unveiled a roadmap for a more united, stronger and more democratic Union'. The document did not mention that President Juncker had proposed that the Sibiu summit take place on 30 March 2019, the day after the UK's expected departure from the EU, but that President Tusk had changed the date to 9 May and incorporated the summit into the Leaders' Agenda.

At the same time, the European Parliament was conscious of its role as an EU leader. As already noted, since early 2018 the European Parliament had been organising plenary debates on the Future of Europe, inviting national leaders to share their visions of the future of the EU and engage in an exchange with MEPs in an open and constructive way. Moreover, in a [resolution of 13 February 2019](#) on the state of the debate on the future of Europe, the EP underlined that 'the Union must tackle the challenges of its future with greater and better political integration, with full respect for and promotion of human rights, fundamental freedoms and the democratic principles and by working together'. In addition, the EP saw the *Spitzenkandidaten* process in part as an opportunity to shape the EU's future. By contrast, the European Council saw the process not only as a challenge to its right to nominate the next Commission President without interference from another institution, but also a development that could affect its ability to set the political direction of the EU.

Leaders came back to the [Strategic Agenda at their regular, end-of-semester summit, in June 2019](#). It was one of a number of items discussed on the first day of the summit (the others were top-level appointments, climate, disinformation, the MFF and external relations). The second day of the summit was given over to economic and monetary union. The limited amount of time available for leaders to discuss the Strategic Agenda suggests that the preparatory work was well done, and that the draft Strategic Agenda – contained in the draft conclusions – was generally acceptable to everyone. Indeed, the four main headings of the agreed-upon Strategic Agenda, which constituted an annex of the summit conclusions, were almost identical to the four main headings in the Leaders' Note discussed at the 9 May summit. The only difference was that 'Building a greener, fairer and more inclusive future' became 'Building a climate-neutral, green, fair and social Europe'. The addition of 'climate-neutral' and 'social Europe', two politically-loaded terms, was not insignificant.

Rather than having a short blurb, several sub-headings, and bullet points under each heading, as was the case with the Leaders' Note, the Strategic Agenda consisted of a number of short paragraphs under each heading, some of which differed in emphasis from the corresponding sub-headings and bullet point in the Leaders' Note. For instance, whereas the Leaders' Note merely

mentioned 'uphold the rule of law' under the sub-heading 'Safeguarding our democracies', under the main heading 'Protecting citizens and freedoms', the Strategic Agenda contained the following paragraph: 'The common values underpinning our democratic and societal models are the foundation of European freedom, security and prosperity. The rule of law, with its crucial role in all our democracies, is a key guarantor that these values are well protected; it must be fully respected by all Member States and the EU.' As well as being more explanatory, this was also more pointed. The fact that all Member States went along with it, notably the two Member States being investigated by the Commission for alleged rule-of-law violations, suggests that the Strategic Agenda was largely aspirational and declaratory. Like the statements and declarations issued during the future of Europe debate, the Strategic Agenda contained an important set of guiding principles for the EU, but it was a political rather than a legal text.

Unlike the Leaders' Note, the Strategic Agenda contained a section called 'Delivering on our priorities'. The inclusion and the content of this section reflected the European Council's awareness of the importance of policy delivery and implementation, and of the need for the EU to try to match rhetoric and reality. Accordingly, 'Our Institutions must focus on what really matters ... the EU must be big on big and small on small. It must leave economic and social actors the space to breathe, to create and to innovate ... Our Institutions will ... respect the principles of democracy, rule of law, transparency and equality between citizens and between Member States. Good governance also depends on the rigorous implementation and enforcement of agreed policies and rules, which must be closely monitored ... The EU must give itself the means to match its ambitions, attain its objectives and carry through its policies.'

Finally, the Strategic Agenda reasserted the European Council's responsibility for setting the EU's general political directions and priorities: 'This Strategic Agenda is the first step in a process that will be taken forward by the Institutions and the Member States. The European Council will follow the implementation of these priorities closely and will define further general political directions and priorities as necessary.'

President Juncker was quoted as saying after the Sibiu summit in May that the discussion of the Strategic Agenda 'was ... a trial run for the June European Council'.²⁷ After the June European Council, President Iohannis, who had hosted the May summit, observed that the discussion in Sibiu ultimately fed into the Strategic Agenda, the final version of which 'reflects entirely the 10 points under the Sibiu Declaration, the "Spirit of Sibiu" as I call it'.²⁸

According to the European Commission, the Strategic Agenda 'serves as inspiration for the European Commission's political priorities drawn up before formally taking office for a 5-year term'. Bearing in mind the recently-adopted Strategic Agenda, and following consultations with the political group leaders in the European Parliament, Commission President-elect von der Leyen drew up the new Commission's Political Guidelines, which she presented to the European Parliament at the beginning of its new mandate. The [priorities](#) set out in the Political Guidelines broadly identified the main policies and steps that the Commission intended to follow to ensure that its objectives would be achieved during the next institutional cycle.

At its October 2019 meeting, the European Council exchanged views with President-elect von der Leyen on the Commission's contribution to the implementation of the EU's priorities, as set out in the Strategic Agenda. At the same meeting, the Finnish Prime Minister reported on the follow-up to the Strategic Agenda undertaken so far in the Council (Finland was then in the Council Presidency). As President Tusk [remarked](#) after the meeting: 'Today leaders also discussed the priorities of the new

²⁷ Morgan, S., '[Strategic success from the Sibiu summit](#)', *Euractiv*, 2019.

²⁸ Morgan, S., '[Strategic success from the Sibiu summit](#)', *Euractiv*, 2019.

Commission with President-elect von der Leyen ... It was an important discussion that will continue in the following months.'

In his remarks at the end of the December summit – his first as President of the European Council – Charles Michel [mentioned the significance](#) of the Strategic Agenda for the European Council. In particular, he stressed the importance 'for us ... (of being) very concentrated ... (on) the implementation of our strategic agenda'. This was a fitting finale in 2019 to the adoption of the new Strategic Agenda, the second in the history of the EU.

6. Institutional appointments and nominations

6.1. Introduction

[The EU has a five-year institutional cycle](#). The year 2019 was the end of one cycle and the beginning of another, centred on the European Parliament elections in May. Taking into account the outcome of the elections, the European Council is responsible for electing, if necessary by a qualified majority vote, a candidate to become the next Commission President: 'This candidate shall [then] be elected by the European Parliament by a majority of its component members.' (Article 17.7 TEU). At the same time, the European Council elects its President (Article 15.5 TEU) and proposes the next High Representative for Foreign and Security Policy, subject to the agreement of the President-elect of the Commission (Article 18.1 TEU). As it happened, the Presidency of the European Central Bank (ECB), a position with an eight-year tenure, became vacant at the end of 2019, which required the European Council to fill that opening as well, subject to receiving the relevant recommendation from the Council and opinions from the European Parliament and the ECB's Governing Council (Article 283, Treaty on the Functioning of the EU).

The European Council's first institutional appointment in 2019, which was not part of the regular, five-year cycle, also involved the ECB. In an entirely uncontroversial decision, at its meeting on 22 March the European Council [appointed Philip Lane](#), Governor of the Central Bank of Ireland, to the Executive Board of the ECB for a non-renewable term of 8 years (the appointment entered into effect on 1 June 2019). The European Council acted on the recommendation of the Economic and Financial Affairs Council, after the Eurogroup gave its support to Philip Lane's candidacy. The European Parliament had delivered its positive recommendation on the appointment on 14 March 2019 and the Governing Council of the ECB on 6 March 2019.

By contrast, the European Council's selection of the next ECB President was bound to be contentious, if previous selection processes for the position were anything to go by. Inevitably, the European Council's involvement in filling the four top-level positions in 2019 – Commission President, European Council President, High Representative, and ECB President – became part of a single, informal and protracted procedure. The goal of the European Council was to make a set of decisions that put highly competent people into these positions while reflecting the diversity of the EU with respect to geography, the size of countries, gender, and political affiliation. Throughout EU history, Member States have fought tenaciously to promote their own nationals to the highest levels within the institutions. It was no surprise that this would be the case in 2019.

6.2. The *Spitzenkandidaten* process

6.2.1. Nominating the President of the European Commission

Of the top-level positions that needed to be filled, that of Commission President stood apart. The European Council would be making a nomination, not a definitive appointment. The European Parliament would then elect – or not – the European Council's nominee. Declaration 11 to the TEU notes that 'the European Parliament and the European Council are jointly responsible for the smooth running of the process leading to the election of the President of the European Commission. Prior to the decision of the European Council, representatives of the European Parliament and of the European Council will thus conduct the necessary consultations in the framework deemed the most appropriate.' In 2014, however, the European Council had tussled with the European Parliament over the eligibility of candidates for the Commission Presidency, a tussle that seemed set to recur in 2019. At issue was the European Parliament's insistence, based on its interpretation of Article 17.7 TEU, that 'taking into account' the outcome of the EP elections meant that the European Council

would have to nominate one of the so-called *Spitzenkandidaten* (lead candidates) put forward in the recent elections by the European political parties.

Launched in 2014, the aim of the *Spitzenkandidaten* process was:

- to try to increase public interest, and consequently voter turnout, by putting forward contenders for the Commission Presidency, thereby further personalising and popularising the elections;
- to boost the profile and the influence of the European political parties;
- to strengthen the political legitimacy of the Commission President and, by association, the Commission as a whole;
- to bolster the EP's institutional standing vis-à-vis the European Council; and
- to shift the constitutional nature of the EU in a more parliamentary direction by firmly tying the outcome of the elections to the selection of the head of the EU executive.

The EP deemed the process a success in 2014. The two foremost lead candidates – Jean-Claude Juncker of the European People's Party and Martin Schulz of the Party of European Socialists – had campaigned energetically throughout the EU (apart from the UK, where the government discouraged them from doing so). Their electioneering helped to focus public attention on important EU rather than simply national issues. Despite their best efforts, voter turnout declined slightly in 2014. Nevertheless, Jean-Claude Juncker, whose party won the most seats in the election, was duly nominated by the European Council and elected by the European Parliament to become Commission President. Whether the new Commission President and the new Commission enjoyed greater political legitimacy as a result is uncertain. The extent to which the EU system became more parliamentary is also debatable.²⁹

In 2014, the European Council was divided on the merits and appropriateness of the *Spitzenkandidaten* process, with some leaders resenting what they saw as the European Parliament's efforts to tie the European Council's hands when it came to nominating the Commission President. In the end, the European Council went along with it, perhaps because Jean-Claude Juncker was one of its own. Having been Prime Minister of Luxembourg for 18 years, he was a long-standing European Council member. Although the European Council prefers to decide by consensus, President Van Rompuy nonetheless called a vote on Jean-Claude Juncker's nomination, in the face of entrenched opposition from UK Prime Minister Cameron, largely for domestic political reasons. Neither Prime Minister Cameron nor Prime Minister Orbán, who also voted against Jean-Claude Juncker, were enamoured of the *Spitzenkandidaten* process, but this was not their main reason for insisting on a vote on that occasion.

There were a number of differences between 2014 and 2019 that made the nomination by the European Council of a lead candidate unlikely this time around. One was that President Tusk [was openly sceptical of the process](#). The European Council had discussed the issue of high-level appointments at its informal meeting on 23 February 2018. In advance of the meeting, President Tusk noted that the European Council 'cannot deprive itself' of its prerogatives without a change in the Treaty, and posed to national leaders the question of whether the European Council should 'automatically accept the outcome of a *Spitzenkandidaten* process' or whether it should 'autonomously decide how to take account of the elections, having held appropriate consultations' with the EP. After the meeting, President Tusk [reported firmly](#) that: 'There is no automaticity in this process. The Treaty is very clear that it is the autonomous competence of the European Council to nominate the candidate, while taking into account the European elections, and having held appropriate consultations.' During his term in office, President Tusk was keen to instil in the

²⁹ Hobolt, S., 'A vote for the President? The role of *Spitzenkandidaten* in the 2014 European Parliament elections', *Journal of European Public Policy*, 2019.

European Council a greater sense of institutional identity. A European Council more aware of its character and prerogatives would be more likely to defend its right to nominate the Commission President without direction from the European Parliament, while nonetheless taking into account the outcome of the EP elections, as required by the Treaty.

Another difference in 2019 was that neither of the two foremost lead-candidates – Manfred Weber of the EPP and Frans Timmermans of the PES – was a serving or former national leader. This represented a break in the profile of Commission Presidents since the early 1990s. (Ironically, Jacques Delors, who is routinely referred to as the most successful President in the Commission's history, was not a national leader.) Despite never having led a national government, Manfred Weber and Frans Timmermans had considerable managerial experience: Manfred Weber as head of the largest political group in the EP and Frans Timmermans as a Vice-President of the European Commission.

A third, perhaps fundamental, difference in 2019 was that a leading member of the European Council, arguably the most influential member at the time, was implacably opposed to the *Spitzenkandidaten* process. That was President Macron, who cloaked his opposition in a spirited defence of the European Council's rights and responsibilities but who was motivated as well by a powerful impulse to break what he saw as the stranglehold that the two largest political parties, the EPP and the PES, had on the organisation and functioning of the European Parliament. He set his sights especially on the EPP. Having disrupted the traditional left-right alignment of French politics with the success of *En Marche*, his new political party, President Macron made no secret of his desire to do the same at the EU level by forming an equally effective centrist political movement. President Macron's obvious ally in the EP was Guy Verhofstadt, leader of the liberal Alliance of Liberals and Democrats for Europe (ALDE) group, a former Prime Minister of Belgium, and one of the most prominent MEPs.

In view of President Macron's overtures and Guy Verhofstadt's lack of enthusiasm for the process, ALDE had not nominated a single lead candidate before the EP elections. Instead, it protested the process, while keeping its options open, by putting forward a slate of candidates that included Guy Verhofstadt and Margrethe Vestager, the European Commissioner for competition policy, who was widely seen as being highly successful and having strong political appeal. Finnish Prime Minister Juha Sipilä justified ALDE's position by explaining that, in the past, the EPP 'took everything, all the positions. I think that this is not good ... And this is why ALDE [has] decided that we will have a team of politicians which shows that in the liberal party there is a different kind of thinking, and we are from north and south and west and east. And it's a kind of window [into] the candidates we have in the ALDE party.'³⁰

Most of the lead candidates campaigned actively in the spring of 2019, but Manfred Weber and Frans Timmermans were particularly prominent, participating in a host of debates, interviews and other media events throughout the EU, especially in Germany, the most populous Member State and a country that had shown an appetite for the *Spitzenkandidaten* process in 2014. Yet national leaders seemed unsure about how to proceed. Some had spoken highly of the *Spitzenkandidaten* process in speeches to the European Parliament, given as part of the 'Future of Europe' debate spanning 2018-2019. By contrast, [in his speech to the EP](#) in April 2018 President Macron was highly critical of the process in the absence of transnational party lists in the European elections, an idea that the Parliament had rejected in February 2018.

Even among the EPP members of the European Council, there was ambivalence about the process and about the viability of Manfred Weber's candidacy. One of the then EPP members, Prime Minister

³⁰ Eder, F., '[POLITICO Brussels Playbook, presented by Google: EU's Venezuela farce — Leave Bucharest alone! — Best laid plans](#)', *Politico*, 2019.

Orbán of Hungary, was openly hostile to Manfred Weber. Prime Minister Joseph Muscat of Malta, a member of PES, supported Frans Timmermans, but admitted that 'In the European Council there isn't too much appetite for it [the *Spitzenkandidaten* process] ... I think most in [the European] Council are irritated with the idea that [nominating the Commission President] is being changed to a situation where Parliament proposes, [the European] Council rubber stamps and Parliament then has the final say ... that's the feeling around the table, irrespective of political allegiances.'³¹

The Commission unequivocally supported the process. In a [communication of 13 February 2018](#), the Commission argued that the lead candidate system had 'overall ... a positive impact' on the work of the EU institutions, and 'should continue and be improved'. President Juncker, the beneficiary of the process in 2014, had reiterated his support for it in his 2018 State of the Union speech and expressed the hope that, by 2024, the process could be combined with transnational lists, which the EP had earlier rejected. President Juncker used his membership of the European Council to urge national leaders to perpetuate the process in 2019.

The European Parliament also stood by the *Spitzenkandidaten* process. In a [report adopted on 7 February 2018](#), it affirmed its support for the procedure and warned that, if it rejected the process, the European Council would 'risk submitting for Parliament's approval a candidate for President of the Commission who will not have a sufficient parliamentary majority'. The Parliament also made clear that it stood 'ready to reject any candidate ... who was not appointed as a *Spitzenkandidat*'.

During the 2019 election campaign, national leaders pronounced themselves occasionally on the merits of the *Spitzenkandidaten* process. Nonetheless, they waited until the informal Sibiu summit on 9 May to have a preliminary discussion about filling all of the top-level positions, especially that of Commission President. Leaders such as President Macron and Prime Minister Bettel of Luxembourg, an ALDE member, were vocal in their criticism of the *Spitzenkandidaten* process. Otherwise, nobody wanted to spoil the positive 'spirit of Sibiu' by pressing the issue.³²

At the end of the Sibiu summit, President Tusk [announced](#) that he would call a special meeting of all 28 EU leaders 'just after the European Parliament elections, on 28th May ... in order to start the nomination process'. President Tusk made clear his intention 'to carry out the election of heads of EU institutions in a swift, smooth and effective manner'. For that reason, he stressed his willingness, if necessary, to call a vote in the European Council: 'Of course it would be best if we managed to reach consensus on all these decisions. But we have to be realistic. I will not shy away from putting these decisions to the vote, if consensus proves difficult to achieve. The aim is simple: we need effective institutions, and so we need swift decisions. My intention is for the European Council to nominate the new EU leadership in June. I call on everyone to live up to their responsibility to make this possible.'

6.2.2. After the European Parliament elections

By convening the special summit immediately after the results of the elections became known, President Tusk was hoping that the European Council would be able to seize the initiative before the Parliament's political leaders could coalesce around one of the lead candidates for Commission President. In 2014, the leaders of the EPP group and the Progressive Alliance of Socialists and Democrats (S&D) – the PES group in the EP – had agreed almost immediately after the election that Jean-Claude Juncker would be the lead candidate. Their decisiveness had the effect of limiting the European Council's options and helping to ensure Jean-Claude Juncker's nomination. Drawing on that experience, EP Secretary-General Klaus Welle, one of the architects of the *Spitzenkandidaten*

³¹ Eder, F., '[POLITICO Brussels Playbook, presented by Naftogaz of Ukraine: Who's on the Commission's naughty list? — Peek behind Council's veil — Brexit gymnastics](#)', *Politico*, 2019.

³² Morgan, S., '[Strategic success from the Sibiu summit](#)', *Euractiv*, 2019.

process, explained that: 'After the [2019] election results are out, parties will very quickly need to come back together to make decisions ... in 24 to 48 hours', otherwise delay could 'derail the process' and opponents of the process within European Council would seize the opportunity.³³

The elections produced a Parliament with a much smaller gap in the allocation of seats between the two big political groups, the EPP and the S&D, and the others. Once again, the EPP won the largest number of seats (182), but substantially fewer than in the outgoing Parliament (216). The S&D (154) also lost a large number of seats (down from 185). The new liberal group, Renew Europe (108), made up of ALDE and *En Marche*, was substantially larger than the liberal group in the outgoing Parliament (69). The Greens did well in 2019, increasing their representation from 52 to 74. Lacking the clout that they had after the 2014 elections, the EPP and S&D could not impose one of their own lead candidates – presumably it would have been Manfred Weber – on the other groups, even if they had wanted to. The Greens, who supported the *Spitzenkandidaten* process, were unwilling to commit to either the EPP or the S&D lead candidate without a thorough discussion of that candidate's policy programme. Renew Europe would have liked to have one of the ALDE candidates selected as the EP's lead candidate, but would not support one of the other group's candidates. As Secretary-General Welle feared, political group leaders were unable to muster a stable majority behind a lead candidate with a broad policy programme when they met immediately after the elections, or at any time thereafter.

This strengthened the hand of the European Council, but did not mean that, from the point of view of the EP, the *Spitzenkandidaten* process was doomed. Manfred Weber and Frans Timmermans were still viable candidates. Many of the national leaders, who belonged to either the EPP or the S&D, continued to support the process, rhetorically at least. Given the extent of doubts in the European Council about the process, however, President Tusk reportedly requested national leaders to give him the names of plausible alternative candidates ahead of the 28 May meeting. He sought to ensure that the European Council was not left with a list of contenders made up entirely of *Spitzenkandidaten*, thereby swinging momentum back to the European Parliament.

At the [28 May special summit](#), held over dinner, EU leaders took stock of the results of the European elections and formally began the nomination process for the new heads of the institutions. President Macron was especially vocal, once again justifying his opposition to the *Spitzenkandidaten* process in terms of defending the prerogatives of the European Council against a European Parliament intent on upsetting the EU's institutional balance. In President Macron's view, the European Council's right to nominate the Commission President, without outside interference, was an important part of its overall responsibility for setting the direction of the EU.

President Macron also complained about the two leading candidates' qualifications, notably their lack of experience of running a national government. Chancellor Merkel, who had been in the European Council in 2014 when the process was first used, and had been torn at the time between institutional loyalty to the European Council and political loyalty to the EPP, of which she was a leading member, was torn along the same lines in 2019. In 2014, she had taken the political party route and supported Jean-Claude Juncker for Commission President. In 2019, the political party ties were even tighter for Chancellor Merkel, given that the EPP candidate, Manfred Weber, was a member of the Chancellor's sister Christian Democratic party, the Bavarian Christian Social Union.

Nor was Chancellor Merkel put off by Manfred Weber's lack of national executive experience, recalling that detractors had criticised her own relative lack of experience at the start of her chancellorship 14 years earlier, and pointing out that Martin Schulz's lack of executive experience did not seem to bother the PES when they picked him as their lead candidate for Commission President in 2014. Like most other members of the EPP or the PES in the European Council,

³³ Brzozowski, A., ['The Brief, powered by EUROBAT – Dead on arrival'](#), *Euractiv*, 2019.

Chancellor Merkel chafed at President Macron's dismissal of a system that had worked well in 2014 and had produced two credible candidates (in her view) in 2019.

In his [remarks after the 28 May dinner](#), President Tusk noted 'first and foremost' that the European Council was 'very happy about the turnout [in the elections], which was the highest in 25 years', a turnout that might have been attributable – although he did not say so – to the *Spitzenkandidaten* process itself (the evidence was inconclusive). He reiterated the agreement reached by the leaders in February 2018 that the European Council would nominate the Commission President in accordance with the Treaties, meaning that it would not be tied to a list of candidates proposed by the EP: 'The Treaty is clear: the European Council should propose, and the European Parliament should elect.' At the same time, 'being a lead candidate is not a disqualification'. What mattered was that 'the future President of the Commission must have the support of both a qualified majority in the European Council and a majority of the Members of the European Parliament'. President Tusk concluded: 'I would just like to say that we did not discuss names tonight, just the process, so please don't ask me about names.' Yet it seemed unlikely that the leaders had not discussed names, and equally unlikely that the journalists would refrain from asking about specific contenders (they did not).

The [discussion over dinner](#) had exposed the well-known differences within the European Council on the *Spitzenkandidaten* process and on the merits of the leading candidates. President Tusk hoped to resolve those differences early in the summer, rather than letting them fester into the autumn. Based on a mandate from the European Council, President Tusk intensified his discussions with national leaders and started consultations with the European Parliament. These were intended to 'prepare the ground for decisions at the next EU summit on 20-21 June'.

In a sign of the significance of political party positions within the European Council, despite many members' lukewarm support for, or outright opposition to, the *Spitzenkandidaten* process, each of the three largest families appointed two national leaders to act as informal 'coordinators' in discussions about the top-level jobs. Dutch Prime Minister Rutte and Belgian Prime Minister Michel represented the liberals, Spanish Prime Minister Sánchez and Portuguese Prime Minister Costa represented the Socialists, and Latvian Prime Minister Kariņš and Croatian Prime Minister Plenkovic, both former MEPs, represented the EPP.³⁴ There were no Greens in the European Council. Within the EP, the political group leaders were engaged in a parallel process of cross-party discussions.

Through the month of June, Manfred Weber struggled to put together a parliamentary majority as it became increasingly clear that the S&D and Renew Europe were unlikely to back him.³⁵ Lack of adequate parliamentary support weakened Manfred Weber's prospects in the European Council, although Chancellor Merkel appeared unwavering in her support for him. Nevertheless, the names of other possible EPP candidates, such as Michel Barnier, the Brexit negotiator, Leo Varadkar, the Irish leader, and Alexander Stubb, a former Prime Minister of Finland, were being mentioned increasingly often.

Socialist leaders, especially Prime Ministers Costa and Sánchez, rallied behind Frans Timmermans, their *Spitzenkandidat*, who had made a strong impression during the election campaign and who might have been able to win the support of President Macron, whose opposition to Manfred Werner seemed implacable. Commissioner Timmermans' big weakness within the European Council was the opposition of many leaders from Central and Eastern Europe, who resented the way in which he led the Commission's investigation into allegations of rule-of-law violations in Hungary and Poland.

³⁴ De La Baume, M. and Herszenhorn, D., '[EU 6' to discuss Commission president choice](#)', *Politico*, 2019.

³⁵ Brunsdon, J., Khan, M., and Barker, A., '[Manfred Weber clings to bid for power in Brussels as support ebbs](#)', *Financial Times*, 2019.

In his [letter of invitation](#) to the busy, end-of-semester (June) meeting of the European Council, President Tusk was upbeat: 'Over the past 3 weeks I have been consulting closely and regularly with you as well as with the European Parliament and its political group leaders. These consultations have shown that there are different views, different interests, but also a common will to finalise this process before the first session of the European Parliament ... I remain cautiously optimistic, as those I have spoken to have expressed determination to decide swiftly. I hope we can make [a decision] on Thursday.'

President Tusk's hopes were dashed. In their discussion of the Commission Presidency, which included the broader jobs package, leaders spent several hours on the evening of 20 June reprising arguments for and against the *Spitzenkandidaten* process and for and against the leading candidates. President Macron and like-minded leaders criticised both the process and the suitability of Manfred Weber, the leading candidate. Chancellor Merkel and other EPP leaders refused to abandon Manfred Weber and accept instead one of the other lead candidates, notably Frans Timmermans of the PES or Margrethe Vestager of Renew Europe. This suggested that the dismissal, within the European Council, of one political group's lead candidate would ensure the dismissal of the other lead candidates, a form of mutually assured rejection of the *Spitzenkandidaten*. Early in the morning of 21 June, after a trying, four-hour session, President Tusk brought the inconclusive discussion to an end. By that time, leaders had agreed only to hold a special summit, finally to settle the issue, before the end of the month.

President Tusk's statement immediately after the summit was [short and to the point](#): 'The European Council had a full discussion of nominations taking into account my consultations and statements made within the European Parliament. There was no majority on any candidate. ... We will meet again on 30th June. In the meantime, I will continue consultations including with the European Parliament.' The European Council [conclusions](#) made no mention of the leaders' discussion of the top-level jobs.

6.2.3. An epic summit

Before the decisive 30 June summit, a number of leaders – those of France, Germany, the Netherlands and Spain, as well as the Presidents of the Commission and the European Council – had discussed the Commission Presidency on 28 June at the G20 summit in Osaka. This was an example of an opportunity that EU leaders whose countries are members of the G7 or G20 have to caucus informally, in this case on a pressing issue of interest to the EU as a whole (the UK Prime Minister was also present, but reportedly did not participate in the discussions with other EU leaders). Media reports predictably called the outcome of their deliberations the 'Osaka Pact'.³⁶ Less predictable was that the so-called pact involved nominating Frans Timmermans as Commission President, with the High Representative for Foreign and Security Policy going to the EPP, and possibly also the Presidency of the European Parliament, although this was not in the gift of the European Council. One of the many surprising things about this arrangement was that Chancellor Merkel apparently went along with it. Why would the EPP give up the Commission Presidency, arguably the most important appointment, having won the most seats in the recent EP elections?

Other EPP leaders responded harshly to news of the Osaka Pact. At an EPP summit preceding the special 30 June European Council, they took Chancellor Merkel to task. Prime Minister Varadkar, whose name frequently appeared as a contender for a top position, was quoted as saying that the 'vast majority of EPP prime ministers don't believe we should give up the presidency of the Commission so easily without a fight'.³⁷ Regardless of the veracity of the Osaka Pact, the reports that

³⁶ Herszenhorn, D., Hanke Vela, J., and De La Baume, M., '[Merkel backs 'real' lead candidates, tipping Timmermans and Weber for top EU jobs](#)', *Politico*, 2019.

³⁷ Barker, A., Brunsdon, J., Peel, M., and Hall, B., '[EU summit ends in deadlock over filling top jobs](#)', *Financial Times*, 2019.

Chancellor Merkel was willing to abandon Manfred Weber further weakened the EPP lead candidate's chances, just as the backlash against it also weakened the PES lead candidate's chances. This had the effect of throwing wide open the discussions at the special summit that began on 30 June.

The indicative [programme](#) for the special summit anticipated that the event would begin at 18.00 with the usual exchange of views with the President of the European Parliament, continue over dinner, beginning at 18.30, and end later that evening or early the following morning, followed immediately by a press conference given by the President of the European Council – 'time TBC (to be confirmed).' Meetings of the European Council often run late. This particular meeting ran unusually late, not simply into the following morning but into the morning of 2 July, more than one day later.

During that time, leaders met in plenary sessions interspersed with numerous side meetings involving various combinations of participants. Most leaders, with the understandable exception of Prime Minister May, were actively involved in the discussions, although President Macron, Chancellor Merkel, Prime Minister Sánchez and a handful of others were the key players. Leaders needed to agree on a nominee for Commission President as part of a package of other nominations and appointments that would strike a reasonable balance based on the candidates' political affiliation, country of origin, and gender. The ebbing support for the EPP's lead candidate, within both the European Council and the European Parliament, and the unwillingness of most EPP leaders in the European Council simply to accept one of the other lead candidates instead, complicated matters.

It took time at the special summit for EPP leaders to back away from their lead candidate and for PES and Renew Europe leaders to back away, in turn, from their lead candidates. Once it became clear that none of the lead candidates was any longer a contender for the Commission Presidency, the leaders were open to new ideas about a slate of appointees and nominees for the four positions, as well as possible compensation for each of the three main political parties' unsuccessful lead candidates (Manfred Weber/EPP, Frans Timmermans/PES, Margrethe Vestager/Renew Europe). Behind the scenes, the national sherpas and senior officials from the Council Secretariat worked day and night to help the leaders reach an acceptable solution. The eventual outcome was politically astute.

The nomination on which the other decisions hinged was that of Ursula von der Leyen, a German government minister, for Commission President. Minister von der Leyen's name had not surfaced in previous discussions about the job, but the appeal of her candidacy soon became apparent. Her profile was similar, in important respects, to that of Manfred Weber, the foremost of the formal lead candidates. Neither of them had led a national government (a shared disadvantage), both were EPP, and both were German. Minister von der Leyen had the additional benefit of being female (a woman had not previously been Commission President and gender was a key consideration for the new set of EU leaders). Her main drawback may have been that she had never worked intensively on EU affairs, whereas Manfred Weber had been a Brussels insider for his entire career. The suggestion of Minister von der Leyen, which reportedly came from President Macron's team – even though she had never been a national leader – assuaged Chancellor Merkel's misgivings about abandoning Manfred Weber, although it engendered fierce criticism from the Social Democratic Party (SPD), who were partners in Chancellor Merkel's coalition government (the SPD continued to support the principle of the *Spitzenkandidaten* process and the candidacy of Frans Timmermans). In view of this domestic political difficulty, Chancellor Merkel formally abstained from supporting Minister von der Leyen, but seemed personally pleased with the outcome.

The easiest of the remaining positions to be filled was that of European Council President. Several names had been floating for some time, including some names that were also floated for

Commission President, but the name of Charles Michel stood out. Already a member of the European Council, Charles Michel's time as Belgian Prime Minister appeared to be coming to an end, as he faced considerable difficulty forming a new coalition after the May 2019 general election. Prime Minister Michel was a member of ALDE, which was not expected to (and ultimately did not) win the Commission Presidency nomination. As an ALDE leader, Prime Minister Michel was a close ally of President Macron, whose support he enjoyed for the European Council Presidency. Apart from these political considerations, Prime Minister Michel had a personality and demeanour that differentiated him from President Tusk, whose abrasiveness often grated on other members of the European Council.

With the EPP and ALDE/Renew Europe having secured the two top presidencies, the PES could fairly lay claim to the position of High Representative for Foreign and Security Policy. Prime Minister Sánchez, a leading PES member of the European Council, successfully advocated for Josep Borrell, a prominent PES politician, a former President of the European Parliament, and a former Foreign Minister of Spain. For the remaining vacancy – President of the European Central Bank – political affiliation was supposedly unimportant, but nationality certainly mattered. As President Macron could plausibly claim that one of the top EU appointments should go to a French national, he proposed Christine Lagarde for the ECB job. Already well-known internationally as a former senior government minister and, since 2011, head of the International Monetary Fund, Christine Lagarde was a shoe-in. Her only drawback was a lack of national or European central bank experience.

The [conclusions](#) recorded the formal outcome of the marathon meeting of 30 June–2 July 2019:

'(1) The European Council elected Charles Michel as President of the European Council for the period from 1 December 2019 to 31 May 2022 ... (2) The European Council welcomed the decision of the [leaders of the countries] whose currency is the euro to appoint Charles Michel as President of the Euro Summit for the [same] period ... (3) The European Council adopted the decision proposing Ursula von der Leyen to the European Parliament as candidate for President of the European Commission. (4) The European Council considers Josep Borrell Fontelles to be the appropriate candidate for High Representative of the Union for Foreign Affairs and Security Policy, subject to the agreement of the President-elect of the Commission. (5) The European Council considers Christine Lagarde to be the appropriate candidate for President of the European Central Bank, subject to receiving the relevant recommendation and opinions in accordance with the Treaties.'

Unstated in the conclusions was that the leaders had already prevailed upon Ursula von der Leyen to nominate Frans Timmermans and Margrethe Vestager, the unsuccessful PES and ALDE lead candidates, as the highest-ranking Vice-Presidents of the Commission, although President Tusk referred to it in his closing statement. (Indeed, Frans Timmermans became an Executive Vice-President in the new Commission with responsibility primarily for climate policy, and Margrethe Vestager became an Executive Vice-President with responsibility primarily for digital policy). Neither the conclusions nor the President's closing remarks referred to Manfred Weber, the thwarted EPP lead candidate. Given that he would remain head of the EPP group, there was a widespread presumption that he would at some point become President of the European Parliament. Also unstated was that leaders hoped to see the election of a European Parliament President from the S&D group, with the successful candidate coming from central and eastern Europe. In the event, the EP did indeed elect a President from the S&D group, but from Italy.

The European Council had reached agreement on a candidate for Commission President without the need for a qualified majority vote. As President Tusk later [told the European Parliament](#): 'At our last summit, we were also able to build consensus. It took us three days, because I wanted to be sure that every Member State, big or small, from every corner of Europe, was on board when it came to the future leadership of the Union.' Although reaching agreement 'has taken us longer than planned', President Tusk [remarked immediately after the summit](#), 'we are still on time. We have

agreed the whole package before the first session of the European Parliament. Five years ago, we needed three months to decide, and still some leaders were against. This year it was three days and nobody was against.’ President Tusk acknowledged that ‘Germany abstained on the Commission President due to some issues in the government coalition’, but reassured listeners that ‘personally, Chancellor Merkel supported the whole package’. President Tusk noted the ‘perfect gender balance’ of the package, the European Council having ‘chosen two women and two men for the four key positions’. Nonetheless, he referred to a lack of representation from Central and Eastern Europe, noting that the European Council ‘expect Ursula von der Leyen to ensure an appropriate geographical balance in the team of Vice-Presidents’. As President Tusk [later told the European Parliament](#): ‘of course, there is still room for improvement as regards representatives from the East, in the overall architecture of European positions’.

President Tusk did not refer to political party balance in his remarks immediately after the summit, but he did so when he [reported on the summit to the European Parliament](#). In particular, he addressed the concerns of the Greens, the fourth-largest group in the Parliament: ‘During the process of nominations I was in close contact with the leadership of the Greens ... I am fully confident that cooperation with the Greens and their presence in the EU decision-making bodies will benefit not only the governing coalition, but Europe as a whole ... even though there is still no European Council leader from this party. I hope that the newly-nominated Ursula von der Leyen will listen to my appeal [for Green representation in the Commission], in fact, I will pass her this message directly later today.’

President Tusk had indicated after the summit that the leaders hoped to see the election of a European Parliament President from the S&D group, with the successful candidate coming from central and eastern Europe. They had in mind Sergei Stanishev, a former Bulgarian Prime Minister. As is often the case in the Parliament, a President from the S&D group might then be followed, in the second half of the legislative term, by someone from the EPP group. However, on 3 July the European Parliament elected David Sassoli, an Italian member of the S&D group, as its new President. According to an academic observer: ‘The fact that MEPs elected Sassoli instead of the [European] Council’s own candidate, former Bulgarian Prime Minister Sergei Stanishev, suggests that the European Parliament election in May has led to a renewed desire for institutional self-assertion.’³⁸ Especially in light of the European Council’s response to the *Spitzenkandidaten* process, it seems probable that a majority of MEPs resented the European Council’s effort to influence the election of the European Parliament’s President.

The most spectacular way for the European Parliament to signal its resentment of the European Council would have been for it to vote against Ursula van der Leyen for the Commission Presidency. Indeed, several MEPs cited this as a reason for their opposition to her in the election that took place at the European Parliament plenary session in Strasbourg on 16 July. The manner of Ursula von der Leyen’s nomination, her perceived closeness to Chancellor Merkel and presumed gratitude to President Macron may well have counted against her. All the more reason for Ursula von der Leyen to campaign vigorously for MEPs’ support in the run-up to the election. Despite President Tusk’s entreaties and Ursula von der Leyen’s best efforts, the Commission President nominee failed to bring the Greens on board. In the end, [she was elected Commission President with 383 votes](#), fewer than 10 votes more than the 374 needed (half of the total number of MEPs). For some MEPs, the narrowness of President-elect von der Leyen’s win was a fitting rebuke to the European Council and a sign that the unsatisfactory outcome of the *Spitzenkandidaten* process had weakened the legitimacy of the incoming Commission President.

³⁸ Schwarzer, D., [‘The Lessons of the EU Leadership Fight’](#), *Project Syndicate*, 2019.

The European Council still had to tie up a few loose ends in the appointment process for the new institutional cycle. After Commission President-elect von der Leyen agreed, on 26 July, to appoint Josep Borrell as the High Representative (the High Representative is also a Commission Vice-President), on 6 August the European Council formally appointed him to the position. Having received the necessary Council recommendation, and positive opinions from the European Parliament and the ECB's Governing Council, on 18 October the European Council appointed Christine Lagarde to be the President of the ECB for a non-renewable term of 8 years (she took office on 1 November 2019).

The European Council invited the Commission President-elect to attend its meeting in October, as an opportunity for her to become familiar with the institution and to brief leaders on her policy objectives. Before the summit, the Commission President-elect had a working breakfast with a small number of national leaders, including three representatives of the main political groups in the European Council: Prime Minister Costa (Portugal/PES); President Macron (France/Renew Europe); and Chancellor Merkel (Germany/EPP). Even more than her presence at the ensuing European Council, the Commission President-elect's [attendance at the breakfast](#) allowed her and the other participants to clear the air after the difficult nomination process. President Macron and Chancellor Merkel, in particular, were keen to overcome the differences between them over the validity of the *Spitzenkandidaten* process and the merits of the EPP lead candidate. Finally, in the last step of the appointment process, on 28 November the European Council [appointed by written procedure the new Commission](#) for the period from 1 December 2019 to 31 October 2024, one day after the European Parliament voted to approve the von der Leyen Commission as a body.

6.2.4. Significance of the *Spitzenkandidaten* process in 2019

As the centrepiece of the appointments package, the nomination of the Commission President had been politically fraught for the European Council. Yet it is misleading to claim that the European Council, as an institution, rejected the *Spitzenkandidaten* process outright. Some members of the European Council were open to nominating a *Spitzenkandidat*, including President Macron, who reportedly expressed a willingness to nominate either the PES candidate or one of the ALDE candidates. But President Macron took a position on the merits of the candidates, not on the fact that they were *Spitzenkandidaten*. Indeed, he explicitly opposed the idea of restricting the universe of candidates to those who were *Spitzenkandidaten*. In his view, and the view of several other leaders, the EP and the transnational political parties did not have the right to present the European Council with a list of acceptable candidates. The relative weakness of the EPP *Spitzenkandidat*, and the distribution of seats among the main political groups after the May 2019 elections, strengthened President Macron's hand. So did the cleverness of his team in coming up with Ursula von der Leyen as an alternative candidate to a *Spitzenkandidat*, someone with a profile similar in important respects to the EPP *Spitzenkandidat* and who was acceptable to the European Council.

As stated at the outset of this section, the *Spitzenkandidaten* process aimed to meet a number of objectives having to do with voter turnout, interest in the EP elections, the personalisation of the election campaign, the profile of the transnational political parties, the 'parliamentarisation' of the EU, and the rebalancing of European Council-European Parliament relations. As in 2014, it is difficult to evaluate the overall impact of the *Spitzenkandidaten* process in 2019. Did it contribute to the higher voter turnout? Is President von der Leyen's legitimacy weaker because she was not a *Spitzenkandidat* and because she had such a narrow margin of victory in her election, if that is even attributable to her status as a non-*Spitzenkandidat*? One thing is certain: the *Spitzenkandidaten* process resulted in a number of spirited debates among the candidates during the EP election campaign which received considerable media coverage. The *Spitzenkandidaten* may not have become household names throughout the EU, but that was hardly the point. The fact that they generated more interest in the elections than might otherwise have been the case is significant.

For the European Parliament and most of the transnational political parties, the nomination by the European Council of someone who was not a *Spitzenkandidat* was a bitter disappointment. Some members of the European Council shared that disappointment. Institutionally, the European Council fulfilled its responsibility of nominating a candidate for Commission President, having considered the *Spitzenkandidaten* in their deliberations. A different EPP *Spitzenkandidat* might have commanded the support of a majority of MEPs immediately after the election and secured the nomination in the European Council. The EPP, and the other political parties, may learn from that experience.

The fact that the *Spitzenkandidaten* process did not work out in 2019 as its proponents had hoped did not mean that it was a complete failure, or that it might not work out differently in 2024. By any measure, it was good in 2019 to have identifiable lead candidates for the Commission President stand in the EP elections, to have them debate substantive EU issues during the election campaign, and to have their names put forward for consideration by the European Council. The success of one or other of those candidates depended in 2019, as it had in 2014 and will again in 2024, not only on the strengths and weakness of the candidates themselves, but also on the configuration of the European Council and on the make-up of the newly-elected European Parliament. By adopting a flexible approach, both the European Council and the European Parliament can continue to avail of an institutional innovation that benefits the political system of the EU.

7. Brexit

7.1. Introduction

Few leaders would have predicted, at the beginning of 2019, that Brexit would have preoccupied the European Council for much of the year. Nevertheless, there were signs at the end of 2018 that Brexit was far from settled. On 13 December, leaders of the EU-27 held a special meeting of the European Council, in Article 50 format, and reconfirmed the conclusions of their 25 November Article 50 meeting, in which they endorsed the EU-UK Withdrawal Agreement and approved the political declaration. The significance of the December meeting was not only that leaders felt it necessary to reconfirm the results of their previous meeting, but also – even more so – that they underlined in the [new set of conclusions](#) that the backstop (the Protocol on Ireland and Northern Ireland) was intended as an insurance policy to prevent a hard border on the island of Ireland and ensure the integrity of the single market: ‘If the backstop were nevertheless to be triggered, it would apply temporarily, unless and until it is superseded by a subsequent agreement that ensures that a hard border is avoided.’

The leaders’ reassurances about the backstop came in response to the difficulty that Prime Minister May was having with the ratification of the Withdrawal Agreement in the UK parliament. Many parliamentary members of the Prime Minister’s Conservative Party, as well Members of Parliament from the Democratic Unionist Party of Northern Ireland, on whom the Prime Minister depended for the survival of her government, fiercely opposed the backstop. They worried that activation of the backstop would mean differences in regulation between Northern Ireland and the rest of the UK, which they saw as a threat to Northern Ireland’s place in the Union. They and other critics of the Withdrawal Agreement also disliked the fact that it would require the UK, post-Brexit, to remain in a customs arrangement with the EU.

7.2. The 29 March deadline

The interaction between Prime Minister May and the leaders of the EU-27 at the end of 2018 set a precedent for their dealings for the first 3 months of 2019. None of the EU-27 wanted the UK to leave. Some may have held out hope, like President Tusk, that the UK might not leave after all. But given that the UK seemed determined to leave, and that both sides had concluded a Withdrawal Agreement after arduous negotiations, by early 2019 the EU leaders, including Prime Minister May, wanted to facilitate an orderly departure of the UK by the treaty-mandated date of 29 March (2 years after the UK had triggered Article 50). Hence the EU-27’s willingness to clarify aspects of the Withdrawal Agreement in order to help Prime Minister May with the approval procedure in the UK. Beyond that, the EU-27 would not budge. As leaders emphasised in the [December 2018 conclusions](#): ‘The Union stands by this agreement and intends to proceed with its ratification. It is not open for renegotiation.’ In order to focus UK parliamentarians’ attention on the looming 29 March deadline, leaders also let it be known that they discussed at the December 2018 summit ‘their preparedness for a no-deal scenario’.

An exchange of letters between Prime Minister May, on one side, and Commission President Juncker and European Council President Tusk, on the other, had the same purpose of seeking and providing reassurances in order to assuage critics in the UK parliament of the Withdrawal Agreement. In a [long letter of 14 January](#), Prime Minister May outlined the concerns of many UK parliamentarians with the Withdrawal Agreement, especially the backstop, and sought a sympathetic EU interpretation, if not alteration, of its terms. The fact that President Juncker and President Tusk [responded the same day](#) indicates the close choreography of the EU-UK interaction on the issue. Both leaders reiterated that ‘we are not in a position to agree to anything that changes or is inconsistent with the

Withdrawal Agreement, but against this background, and in order to facilitate the next steps of the process, we are happy to confirm, on behalf of the two EU Institutions we represent, our understanding of the following points within our respective fields of responsibility’.

Moreover, Presidents Juncker and Tusk gave a [quasi-legal assurance](#) about the clarification already provided by the European Council in December 2018. This may have been more significant for what it said about the status of European Council conclusions than for its contribution to the ratification drama in the UK: ‘it can be stated that European Council conclusions have a legal value in the Union commensurate to the authority of the European Council under the Treaties to define directions and priorities for the European Union at the highest level and ... They may commit the European Union in the most solemn manner. European Council conclusions therefore constitute part of the context in which an international agreement, such as the Withdrawal Agreement, will be interpreted. As for the link between the Withdrawal Agreement and the Political Declaration ... the two texts ... while being of a different nature ... can be published side by side in the Official Journal in a manner reflecting the link between the two as provided for in Article 50 of the Treaty on European Union (TEU).’

As expected, the government lost the ratification vote in the House of Commons the following day. What was not expected was the margin of defeat: 432 votes to 202. There was no uncertainty now about the unpopularity in the UK parliament of the Withdrawal Agreement or of the poor prospects for its ratification. Short of a complete renegotiation, which none of the EU-27 wanted, there was little that the EU-27 could do apart from trying to bolster Prime Minister May’s position by tinkering around the edges of the agreement. EU leaders were increasingly frustrated with the situation in London and with Prime Minister May’s inability to suggest a way forward. On 6 February, President Tusk posted his [infamous tweet](#) wondering about a ‘special place in hell’ for those who promoted Brexit. The following day, after what can only have been an awkward meeting with Prime Minister May in Brussels to discuss overcoming the impasse on Brexit, President Tusk issued a more [restrained tweet](#): ‘Still no breakthrough in sight. Talks will continue.’

Talks between UK and EU-27 negotiators may well have continued, but they remained inconclusive. With another vote looming in the House of Commons, Prime Minister May was desperate to come up with something from the EU-27 that might help to win ratification of the Withdrawal Agreement. Accordingly, she flew to Strasbourg on 11 March to meet Commission President Juncker, who was there for a plenary session of the European Parliament. This resulted in the ‘[Strasbourg Agreement](#)’ between the European Commission and the UK. Previously agreed at negotiators’ level, the agreement consisted of two documents: 1) an instrument relating to the Withdrawal Agreement, providing clarifications and legal guarantees on the nature of the backstop; and 2) a joint statement supplementing the political declaration setting out the framework for the future relationship.

In a [letter](#) to President Tusk on 11 March, President Juncker described the Strasbourg Agreement as ‘one last push to get the Withdrawal Agreement over the finishing line [in London]’. President Juncker called on the European Council to endorse the accord with Prime Minister May at its meeting later in the month. Reflecting the frustration among the EU-27 with the festering Brexit situation, President Juncker expressed his belief ‘that it is now high time to complete the withdrawal process ... and to move on, as swiftly as possible, to the negotiation of our [EU-UK] future partnership’. Reflecting also a growing awareness that Brexit might not happen on 29 March, and that the UK might therefore request an extension, President Juncker stressed that ‘the United Kingdom’s withdrawal should be complete before the European elections that will take place between 23-26 May this year. If the United Kingdom has not left the European Union by then, it will be legally required to hold these elections, in line with the rights and obligations of all Member States as set out in the Treaties.’

No doubt President Juncker's point about UK participation in the EP elections was intended, in part, to focus the minds of UK parliamentarians on the need to ratify the Withdrawal Agreement as soon as possible. Otherwise, not only would the UK have to participate in the EP elections, which Brexiters did not want to happen, but the UK might find itself unable to leave the EU except by crashing out. Speaking after his meeting in Strasbourg with Prime Minister May, President Juncker said this was the last chance for MPs to support the Brexit deal: 'There will be no further interpretations of interpretations or reassurances on reassurances ... It's this deal or Brexit may not happen at all.'³⁹

Just as the exchange of letters between Prime Minister May and Presidents Juncker and Tusk in January 2019 had no perceptible impact on the first ratification vote in the House of Commons, the Strasbourg Agreement appeared to have little impact on the second ratification vote, which took place on 12 March, the day after Prime Minister May met President Juncker in Strasbourg. This time the margin of defeat – 391 votes to 242 – was smaller than in January, but the result was still crushing for the UK government. Rather than leave on 29 March without the benefit of a withdrawal agreement, and in keeping with a vote in the UK Parliament ruling out a no-deal scenario, Prime Minister May sent a [letter](#) to President Tusk on 20 March asking for an extension of the Article 50 period until 30 June 2019.

7.3. Extending the deadline

Prime Minister May's request for an extension opened a new chapter of the Brexit saga for the European Council. According to Article 50, the European Council, in agreement with the Member State concerned, could decide unanimously to extend the deadline beyond the stipulated 2 years after submission of a Member State's intention to leave. Hitherto, leaders had speculated on whether the UK would request an extension and, if it did, what their reactions might be. Now leaders had to consider the question in earnest. They had an opportunity to do so at the next meeting of the European Council, due to begin the day after Prime Minister May's extension request arrived in Brussels. The schedule for the two-day European Council already included a meeting in Article 50 format, in the first (afternoon) session on 21 March. The working dinner of the European Council, scheduled to start at 19.30 that evening, was to have been devoted to a discussion of EU-China relations. In the event, leaders spent the entire first day of the summit discussing Brexit.

In his [letter of invitation](#), sent only the day before the summit began, President Tusk recommended that the European Council 'consider a short extension conditional on a positive vote on the Withdrawal Agreement in the House of Commons'. A possible extension until 20 June, as requested by Prime Minister May, 'has its merits ... [but] creates a series of questions of a legal and political nature', which the European Council would have to discuss in detail. President Tusk urged 'patience and goodwill' in the European Council's deliberations: 'Even if the hope for a final success may seem frail, even illusory, and although Brexit fatigue is increasingly visible and justified, we cannot give up seeking – until the very last moment – a positive solution, of course without opening up the Withdrawal Agreement.'

Whatever goodwill there was, patience was conspicuously lacking in the European Council's discussion of Brexit. Before they met in Article 50 format, Prime Minister May briefed her fellow leaders on the state of play in the UK. By all accounts, the Prime Minister had nothing new to say and was unable to explain how a delay would significantly improve prospects for ratifying the Withdrawal Agreement. Following an uncomfortable exchange with the Prime Minister, the EU-27 convened in Article 50 format for what turned out to be an unusually testy meeting.

³⁹ Parker, G., Payne, S., Hughes, L., Barker, A., Khan, M., '[May agrees revised Brexit deal with Juncker](#)', *Financial Times*, 2019.

Leaders had been expressing their views on a possible extension since at least early February. It seems unlikely, therefore, that anyone at the 21 March summit said anything original on the subject. But this was the leaders' first opportunity to discuss the issue together and their only chance to grant an extension before the expiry of the 29 March deadline, short of convening a special summit in the coming days. All were cognisant of the complication posed by the imminent EP elections. In particular, the UK would have to participate in the elections if it was still a Member State at that time, even if it were to leave soon afterwards. The possibility of having a large contingent of UK eurosceptics in the new EP – a likely outcome of the elections – perhaps disrupting proceedings and affecting the outcome of key votes at the beginning of the new parliamentary mandate, was uncongenial to EU leaders.

No leader wanted to reject the extension request outright. A no-deal Brexit would have been bad materially and reputationally for the EU, and would likely sour post-Brexit EU-UK relations. Even though an extension would not necessarily mean that the UK would leave under the terms of the Withdrawal Agreement, there seemed to be a consensus among leaders that they should consent to the extension request. The key question, therefore, was the length of the extension. This was the dividing line between President Macron, who advocated a short extension, and most other leaders, who preferred a longer extension, possibly up to, or even exceeding, the Prime Minister's requested date of 30 June.

President Macron's main concern was the corrosive effect that Brexit appeared to be having on the EU and the opportunity cost for the EU of having to deal with it at the expense of other important issues. Chancellor Merkel, who emerged as the champion of a longer extension, was not unaware of the insidious impact of a drawn-out Brexit, but thought it more advantageous for the EU not to rush an already politically-fraught process. Most other leaders sided with Chancellor Merkel, as did President Tusk. All paid close attention to Prime Minister Varadkar, in view of Ireland's special position in the Brexit debate. Predictably, Prime Minister Varadkar urged restraint on the part of the EU-27.

After a long meeting that included break-out sessions among leaders with particularly strong opinions on the subject – notably President Macron, Chancellor Merkel, Prime Minister Michel, Prime Minister Rutte, Prime Minister Varadkar, President Tusk and President Juncker – at which various dates were bandied about, the EU-27 leaders [agreed to offer an extension](#) until 22 May 2019, the day before voting in the European elections would begin, on condition that the UK Parliament approved the Withdrawal Agreement within the week after the summit, that is, before the original Brexit deadline. Accordingly, the UK would have until 22 May to pass the necessary legislation to complete the ratification process. Otherwise, EU leaders agreed to delay Brexit only until 12 April 2019, expecting the UK to 'indicate a way forward before this date', although the UK had not been able so far to do so (12 April was the final date by which the UK could give legal notice to hold European Parliament elections).

At the same time, EU-27 leaders approved the instrument relating to the Withdrawal Agreement and the joint statement supplementing the political declaration reached between the European Commission and the UK government in Strasbourg. On 22 March, the second day of the regular summit, the EU-27 leaders adopted a [decision](#) formalising the political agreement reached the previous day on extending the period under Article 50 (the formal decision was taken in agreement with the UK, given that Prime Minister May needed to sign up to it).

After the regular European Council, President Tusk [expressed satisfaction with the outcome](#) on Brexit: 'Personally, I am really happy about this development ... it means that until 12 April, anything is possible: a deal, a long extension – if the UK decided to re-think its strategy – revoking Article 50, which is a prerogative of the UK Government. The fate of Brexit is in the hands of our British friends.'

We are, as EU, prepared for the worst, but hope for the best. As you know, hope dies last.’ As he told the EP later in the month: ‘12 April is the new cliff-edge date.’

On 29 March, the date of the original Brexit deadline, the UK government was defeated for a third time in the House of Commons in a meaningful vote on the Withdrawal Agreement. The margin of defeat was smaller than on the previous occasions – 344 votes to 286 – but the rejection was nonetheless resounding. Failure to ratify the agreement by 29 March meant that the new deadline for Britain’s departure was 22 May. However, on 5 April Prime Minister May requested for a second time that the EU extend the Article 50 period, until 30 June 2019. The EU-27 had already decided, following the third rejection of the Withdrawal Agreement in the UK parliament on 29 March, to hold a special meeting of the European Council (Article 50) on 10 April to discuss the implications of the UK’s looming departure. The 10 April summit would now be devoted to discussing Prime Minister May’s second extension request. The European Council seemed to be going back to the future.

President Tusk’s [letter of invitation](#), sent on 9 April, set the scene for the meeting. He dismissed the idea of not granting an extension, which would risk a no-deal Brexit. The question, therefore, was the length of the extension to grant. Although Prime Minister May had again requested a delay until 30 June, ‘our experience so far, as well as the deep divisions within the House of Commons, give us little reason to believe that the ratification process can be completed by the end of June. In reality, granting such an extension would increase the risk of a rolling series of short extensions and emergency summits, creating new cliff-edge dates. This, in turn, would almost certainly overshadow the business of the EU-27 in the months ahead.’ For those reasons, President Tusk recommended that leaders discuss ‘an alternative, longer extension ... [of] no longer than one year, as beyond that date we will need to decide unanimously on some key European projects’. Such an extension could end automatically as soon as both sides ratified the Withdrawal Agreement. It would ‘provide more certainty and predictability by removing the threat of constantly shifting cliff-edge dates’, and allow the EU-27 to ‘avoid repeated Brexit summits’. The possibility that a long extension might also ‘allow the UK to rethink its Brexit strategy’, which President Tusk could not resist including in his letter, seemed fanciful, however.

To a great extent, the exchanges among EU leaders at the 10 April Brexit summit were a reprise of their exchanges at the 21 March Brexit summit, but with even more testiness due to rising frustration with the entire situation and irritation on the part of many other leaders with President Macron’s stridency. Just as she had had tried to explain her situation before the start of the 21 March meeting, Prime Minister May did the same at the beginning of the 10 April summit, this time as a guest of the EU-27. In both cases, the Prime Minister failed to allay the other leaders’ concerns. In the discussion that followed Prime Minister May’s departure, the familiar fault lines emerged. President Macron seemed more passionate than before in his denunciation of a long extension, because of the damage that the protracted Brexit process appeared to be causing the EU. Chancellor Merkel was as restrained as ever, arguing that the risk of not granting an extension, or of granting only a short extension – notably that the UK might leave without an agreement – was too great for the EU to take. This was the position also of Prime Minister Varadkar, who had outsized influence in the meeting.

There was intense media interest in the 10 April summit. One account of the summit, written by Alex Barker, a long-time EU correspondent for the *Financial Times*, is worth reproducing: ‘... [Prime Minister] May had spectacularly failed to win House of Commons support for the draft withdrawal agreement ... Macron was staunchly against [granting another extension]. He believed time pressure would force Britain to decide: leave in an orderly fashion, revoke Article 50 or face the disruption of no deal. The summit splintered into small group discussions. Macron was in a minority but took on all-comers. At the other extreme was Tusk, advocating an extension of up to a year to spare leaders coming back to Brexit every few weeks. It was a tense, scratchy evening. There was an

unusual degree of bad feeling ... Facing the thick fog of Brexit, Merkel was resorting to her favoured crisis-handling technique: “auf Sicht fahren”, or to drive by sight, creeping forward only as far as you can see. She thought more time was the safest option; the differences with Macron were surprisingly public ... The extension was granted to 31 October.⁴⁰ The chosen date was a halfway point between an end-of-year deadline, supported by Chancellor Merkel and others, and Prime Minister May’s request for 30 June, beyond which Macron had preferred not to go.

Although the conduct of the 21 March and 10 April Brexit summits was similar, and in each case the European Council granted an extension of the Brexit deadline, there was at least one marked difference in outcome: on 21 March the EU-27 leaders granted an extension that was shorter than what Prime Minister May had requested; on 10 April they granted an extension that was longer than what she had requested. In his [report to the European Parliament](#) on the 10 April summit, President Tusk explained why ‘the European Council changed the logic of granting a much shorter extension than requested by the UK, to giving an extension that is much longer’, for which he took credit: ‘I proposed such a change, as in my view it has a few advantages.’

There advantages were: ‘First and foremost, only a long extension ensures that all options remain on the table, such as ratification of the current Withdrawal Agreement, or extra time to rethink Brexit ... Second, this extension allows the EU to focus on other priorities ... Third, this flexible extension delays the possibility of a no-deal Brexit by over 6 months. Thanks to this, millions of people and businesses have gained at least some certainty in these unstable times.’

The UK duly participated in the European Parliament elections, on 23 May. The result was an embarrassment for Prime Minister May, whose Conservative Party fell to 8.8 per cent of the vote, the biggest-ever loss for a governing party in a UK-wide election. Following her repeated failure to get the Withdrawal Agreement through the House of Commons and several votes of no-confidence, Prime Minister May announced, the following day, that she was throwing in the towel. She would resign as Conservative Party leader on 7 June and be a caretaker Prime Minister pending the outcome of the Conservative leadership contest.

Prime Minister May attended her [last regular meeting of the European Council on 19-20 June](#). It must have been a relief for all concerned that Brexit was not formally on the agenda. Nevertheless, at the end of the meeting, the EU-27 leaders briefly discussed Brexit, with Presidents Tusk and Juncker updating the others on the state of play. Leaders reiterated that they ‘want to avoid a disorderly Brexit and establish as close a future relationship as possible with the UK; are open to talks when it comes to the Declaration on future UK-EU relations if the position of the United Kingdom were to evolve, but the withdrawal agreement is not open for renegotiation; [and] have been informed of the state of play of planning for a no-deal scenario’. They added, as they had to, that they ‘look forward to working together with the next UK Prime Minister’. Given that the next Prime Minister was likely to be the fiercely pro-Brexit and opportunistically anti-EU Boris Johnson, the EU-27 leaders must have been viewing their future relations with the UK with some foreboding. Indeed, on 24 July Boris Johnson became Prime Minister – the third UK Prime Minister since the Brexit referendum.

7.4. The revised agreement

What followed was predictably chaotic. Prime Minister Johnson made clear his determination to scrap the backstop, but did not indicate clearly how this might happen without there being an alternative arrangement in the Withdrawal Agreement that would prevent the need for border checks on the island of Ireland. Despite their long-stated refusal to reopen the Withdrawal

⁴⁰ Barker, A., ‘[Goodbye Brussels: what I learnt in eight years covering the EU](#)’, *Financial Times*, 2019.

Agreement, the EU-27 clearly were willing to negotiate new provisions for Northern Ireland, as long as those provisions did not risk the reimposition of a border between the two jurisdictions in Ireland. The UK government floated various ideas, not all well thought-through or feasible. Once again, EU-27 leaders marvelled at the impact of Brexit on the UK body politic and the inability of the UK government to make credible, compelling proposals. The comments, in mid-September, of the Prime Minister of Finland, whose country held the rotating Council Presidency, were not atypical: 'It seems to me that there is no leadership ... We need a written proposal not just soft talk ... I know there were some non-papers from the UK side but they are not yet a [realistic] solution.'⁴¹

One month later, in the run-up to the regular October European Council, due to take place only 2 weeks before the 31 October departure date, the two sides were much closer to an agreement. Perhaps most pressing for Prime Minister Johnson was the so-called 'Benn Act', passed in the House of Commons in September, that required the UK government to ask the EU-27 for an extension of the Article 50 deadline if the government did not secure parliament's approval for a withdrawal agreement or a no-deal departure by 19 October.

It became clear that the only way for Prime Minister Johnson to keep Northern Ireland within the UK customs area while at the same time being in the EU's customs union, without having customs checks in Ireland, was to have those checks between the mainland UK and Northern Ireland. Allowing a regulatory border in the Irish Sea was a huge concession for Prime Minister Johnson to make, especially in the face of fierce opposition from the Democratic Unionist Party and deep misgivings from hard-line Brexiters in the Conservative Party. Negotiations between representatives of the UK government and the Commission Task Force on the precise details of the new arrangement continued up to the beginning of the 17 October summit. On the day that the summit began, the European Commission recommended that the European Council (Article 50) endorse the revised Withdrawal Agreement, including a revised protocol on Ireland/Northern Ireland, and approve a revised political declaration on the framework of the future EU-UK relationship.

The European Council ([Article 50](#)) did so with surprising ease. In his [statement](#) to the EP following the summit, President Tusk explained why: 'firstly, it had the support of Ireland; secondly, it had the support of the European Commission, ensuring that all our negotiating objectives were met; and thirdly, because it avoids a chaotic no-deal Brexit' (he made the same points, less succinctly, in his public statement immediately after the summit).

There was a palpable sense of relief among EU leaders, including Prime Minister Johnson. The Brexit drama was not yet over, however. Prime Minister Johnson was unable to complete the ratification procedure for the revised Withdrawal Agreement before having to comply with the requirements of the Benn Act. Reluctantly, on 19 October he requested of the EU-27 an extension of the departure deadline until 31 January 2020. As this was not unexpected, the EU-27 had already been considering their response. President Tusk sounded out the national leaders, most of whom, like the President, were willing to grant what seemed like a short, technical extension, without having to convene a summit to do so. President Macron was reportedly most concerned about the potentially destabilising consequences of yet another extension, and suggested that another summit might be warranted. In the event, the European Council took the [decision to grant the extension by written procedure](#), with the agreement of the UK, on 29 October.

Leaders had scheduled an Article 50 meeting for the second day of the regular European Council, on [12-13 December](#). As it happened, the UK general election took place during the first day of the European Council. As they convened on the morning after the UK election, leaders congratulated Prime Minister Johnson on his resounding victory. Although the Withdrawal Agreement had not yet been ratified in the UK, the extent of Prime Minister Johnson's win suggested that the outcome of

⁴¹ Fleming, S. and Peel, M., '[UK lacks leadership to sort Brexit, says Finnish PM](#)', *Financial Times*, 2019.

the ratification procedure was not in any doubt. Accordingly, the Article 50 meeting was a straightforward affair, lacking the excitement and purposefulness of the other Article 50 meetings held in 2019. Looking to the future, leaders discussed preparations for the negotiations on EU-UK relations after the withdrawal and reconfirmed their aim of establishing a relationship as close as possible with the UK as a non-Member State.

Donald Tusk was no longer President of the European Council in December 2019. Having been President at the time of the UK referendum in June 2016 and throughout the ensuing Brexit saga, his absence from the final Article 50 meeting in the history of the UK's departure seemed odd. Instead, Charles Michel had the distinction of presiding over the last Brexit summit, although as Prime Minister of Belgium he had participated in previous Article 50 meetings and had been actively involved in Brexit discussions among EU leaders. Speaking in his new role after the [Article 50 meeting](#), President Michel remarked that the EU was 'ready to start the next phase. We are ready also to defend and promote our European interests. The level playing field is a very important goal for us ... we hope that it will be possible to keep in the future a very strong strategic relationship with the UK.' It was a quiet end to the noisy business of Brexit in 2019.

8. Economic affairs

8.1. Introduction

Traditionally, leaders devote their regular spring summit to discussing economic affairs. This is a legacy of the launch of the Lisbon Strategy for economic modernisation by the European Council in March 2000. Other issues are discussed at the March summit as well, thereby cutting into the amount of time available for economic affairs. Such was the case in March 2019, when the European Council had an especially crowded agenda. Leaders spent most of the first day of the summit discussing Brexit, following the second negative vote in the House of Commons on the Withdrawal Agreement and in anticipation of a request by the UK to extend the deadline for the country's departure from the EU. The European Council's annual discussion of economic affairs was squeezed into the second day of the summit, along with a related discussion about China and discussions about other aspects of external relations, climate change, the fight against disinformation, and a brief celebration of the 25th anniversary of the European Economic Area.

In recent years, the European Council has discussed economic affairs under the heading: 'Jobs, Growth and Competitiveness'. This encapsulates the objectives of EU economic policy: to increase employment, stimulate growth, and boost competitiveness. A fundamental requirement for achieving these objectives is 'strengthening the economic base of the EU', which was another heading used by EU leaders to describe their discussion of economic affairs in March 2019. The policies encompassed by these headings include the single market, industrial policy, digital policy, research and innovation, and trade and investment policy. Competition policy is an ancillary policy field, as it serves to police the single market. Economic and monetary union is clearly related to broader economic policy, but is usually discussed separately by the European Council, in the Euro Summit format.

8.2. The single market and related policies

As the Commission declared in the opening sentence of its [landmark communication in November 2018](#): 'The Single Market is one of the greatest achievements of the European project.' The single market programme of the late 1980s is legendary in the history of the European Community and became a building block of the new European Union. Even though the target date of 1992 for completion of the single market became etched in the EU's historical memory, it was well understood at the time, by policymakers and economic actors alike, that the single market could never be truly complete. Because of the complexity of the undertaking, as well as incessant technological and commercial innovation and the relentless process of globalisation, the single market would always be a work in progress.

The European Council played a decisive role in launching the single market programme and has since prided itself on its commitment to keeping the single market firmly on track. This has often resulted in ritualistic pronouncements about the importance of the single market for the European economy, notably the need to keep abreast of technological and other developments, to enact the required legislation, and to ensure implementation of single market measures at the European and national levels. Over time, the single market has become an all-encompassing term that covers the single market strategy, the capital markets union and the digital single market strategy. Also over time, EU enlargement has increased economic diversity and accentuated economic differences among Member States, thereby increasing the heterogeneity of a vast marketplace spanning the continent of Europe.

In March 2018, the European Council asked the Commission to assess the state of play of the single market regarding the implementation, application and enforcement of existing legislation, and to

identify the remaining barriers and opportunities for a fully functioning single market. This resulted in a [communication from the Commission](#), in November 2018, entitled: 'The Single Market in a changing world'. The subtitle of the communication, 'A unique asset in need of renewed political commitment', was revealing. It hinted at the Commission's impatience with the European Council's ritualistic statements in support of the single market and preference for a political push by the European Council that would carry the various single market strategies forward.

Indeed, the communication was unusually hard-hitting: 'We are too often confronted with a situation where the consensus which appears to exist at the highest level on the need to deepen the Single Market is not matched by a political willingness to adopt the concrete measures that the Commission proposes and that would make a difference, or to transpose and implement measures which have already been agreed. Even when they express support for further market integration or for further harmonisation, Member States often promote only their domestic approaches as a basis for European rules, which can lead to political tensions. This in turn leads to repeated calls on the Commission to come forward with new ideas but the willingness to follow through is not guaranteed. We therefore need an open debate about these issues, and a renewed commitment by Leaders to all the dimensions of the Single Market.'

The Commission was [concerned about possible backsliding in existing areas of market integration and failure to integrate](#) in new and rapidly-changing economic sectors: '... in order to avoid barriers re-emerging in the traditional markets and new ones appearing in strategic sectors for the future such as digital, artificial intelligence or the circular and the low carbon economy. More than ever, we need to match rhetoric with delivery and to have an open debate at the highest level leading to a renewed commitment by Leaders to the Single Market in all its dimensions.'

The Commission turned the tables on the European Council by issuing a set of conclusions, in its communication, that were reminiscent of the conclusions of a meeting of the European Council, which often 'call on' and 'invite' the other institutions to act. In this case, it was the Commission that:

- 'calls on the European Council to ensure that the Council works swiftly with the European Parliament to adopt by the end of March 2019 the legislative initiatives under the Single Market Strategy, the Digital Single Market and the Capital Markets Union and Banking Union ... as well as other initiatives mentioned in this Communication, including the social dimension, consumer protection and energy and transport;
- calls on the European Council to ensure that administrations, at national, regional and local level, with the support of the Commission, step up efforts to transpose, apply and enforce all Single Market legislation, while avoiding 'gold-plating';
- calls on the European Council to renew their engagement with citizens and businesses to promote continued political and public support for the Single Market, notably in the context of the European Parliament elections;
- invites the European Council, building on this Communication, to dedicate an in-depth discussion at Leaders' level to the Single Market in all its dimensions to identify common priorities for action and appropriate mechanisms to match the much-needed new political commitment to the Single Market with concrete delivery at all levels of governance.'

The Commission's communication touched a nerve in the European Council. In the run-up to the March 2019 summit, national leaders were becoming increasingly vocal about growing stresses and strains within the EU on the single market and related issues. Leaders of the new (post-2004) Member States had long felt that the single market was skewed in favour of the economically and technologically more advanced countries of north-western Europe, whose commitment to liberalisation did not entirely embrace the free movement of workers from poorer countries to the east. Economic nationalism and protectionism, developments that were antithetical to European

integration, appeared to be increasing within the EU. A number of Member States seemed to be adopting slogans and incentives that encouraged their citizens to buy products and services that were of national origin.

Chafing at the Commission's rejection of a proposed merger between two leading French and German companies, Alstom and Siemens, the governments of both countries pressed to rewrite EU competition rules that aimed to protect the single market from the emergence of government-backed national – or bi-national – champions. Following a meeting in Berlin on 19 February between the German and French economy ministers, the two countries issued '[A Franco-German Manifesto for a European industrial policy fit for the 21st Century](#)'. According to the joint paper: 'The choice is simple when it comes to industrial policy: unite our forces or allow our industrial base and capacity to gradually disappear. A strong industry is at the heart of sustainable and inclusive growth. And above all, it's what will give Europe its economic sovereignty and independence.' The meaning was clear: 'Competition rules ... need to be revised to be able to adequately take into account industrial policy considerations in order to enable European companies to successfully compete on the world stage. Today, amongst the top 40 biggest companies in the world, only 5 are European ... we need to ensure our companies can actually grow and compete. This entails changes to existing European competition rules.' The proposed changes included: 'Taking into greater consideration the state-control of and subsidies for undertakings within the framework of merger control, updating current merger guidelines to take greater account of competition at the global level', and considering 'whether a right of appeal of the Council which could ultimately override Commission decisions could be appropriate in well-defined cases, subject to strict conditions'.

This was the context in which the leaders of 17 Member States [sent a letter](#), on 26 February, to President Tusk, insisting that 'The Single Market ... remain a source of growth and opportunities for citizens and businesses, by strengthening the four freedoms, embracing new developments and challenges and fostering innovation, including a social dimension. Policy-making needs to focus on the facts and needs and better enforcement so that the Single Market delivers for businesses, consumers, workers and citizens.' The 17 leaders sought to ensure that 'the Single Market provides a solid underpinning for an outward-looking, confident and more autonomous European Union in a challenging global environment'.

It is not unusual for groups of national leaders to take an initiative of this kind, with the aim of drawing attention to a particular opportunity or concern. What was striking about the [letter of 26 February 2019](#) was the large number of signatories and the absence of France and Germany from the list. The letter reportedly originated with Juha Sipilä, the Prime Minister of Finland, a country with a strong attachment to free trade and fair competition. In many respects, the contents of the letter did not differ greatly from the conclusions of many European Council discussions on the single market. Thus, it referred to the single market as 'the key driver of the Union's global competitiveness', which would continue to be a 'source of growth and opportunities for citizens and businesses'. Reading between the lines, however, it was possible to discern criticism of incipient protectionism (although the word was never used) and a defence of existing competition policy in the face of calls for change from certain Member States (who were not named). On services, for instance, the letter stressed 'that it is necessary to remove remaining cross-border obstacles as well as to prevent any new barriers and risk of fragmentation in this regard', and that Member States 'should also commit to improving their performance in reducing service restrictiveness'. In order 'to tackle the challenge of shortage of skilled workforce ... remaining barriers [to] labour ... mobility [should be] removed'. The letter also called for 'an offensive industrial policy to innovate and remain globally competitive in key technologies and strategic value chains'. Implicit in the letter was concern about developments having to do with countries and sectors such as services (Germany), posted workers (France), and food (Italy). No wonder that those countries either chose not to sign the letter or were not invited to do so.

The signatories of the letter were not only sounding the alarm about risks to the integrity of the single market, they were also trying to ensure that the EU would keep the single market and the existing competition policy regime front and centre as strategic priorities during the next institutional cycle. Indeed, their letter was entitled: 'The future development of the Single Market and European digital policy in view of preparation for the next Strategic Agenda'.

Although addressed to European Council President Tusk, the letter was copied to Antonio Tajani, President of the European Parliament, and Jean-Claude Juncker, President of the European Commission. Whoever was hoping to succeed the leaders of those institutions would have paid attention to the letter as well.

In his [letter of invitation](#) to the summit, President Tusk wrote: 'Beyond Brexit we will also address the longer-term issues facing us. In a more unstable world, shaken by new global, technological and environmental realities, there is no doubt that only together can we set our own course and defend the strategic interests of the Union. This is true whether we are talking about strengthening our economic base, combating unfair practices or tackling climate change. We will therefore discuss how to use all the levers at our disposal to safeguard the interests of our citizens and companies.'

The Franco-German manifesto, the letter of the 17 leaders, and sometimes sharp criticism by national leaders and ministers of other Member States' positions on the single market suggested that the discussion of economic affairs at the March 2019 summit would be contentious. In fact, [leaders had little time or inclination at the summit to disagree over economic policy](#). They glossed over the differences between them on the single market and competition policy, exchanged views on the current economic situation, and heard from European Central Bank President Mario Draghi, who was a guest at the summit. In keeping with its formal role in the European Semester process – the EU's annual cycle of economic and fiscal policy coordination – the European Council endorsed the policy priority areas of the annual growth survey and invited Member States to reflect them in their forthcoming national reform programmes and stability or convergence programmes, with the aim of fostering growth and jobs through investment and reforms. The European Council also endorsed the draft Council recommendation on the economic policy of the euro area.

Leaders quickly approved the draft conclusions on '[Growth, Jobs and Competitiveness](#)'. In language similar to that found in previous European Council conclusions, leaders agreed 'that a strong economic base is of key importance for Europe's prosperity and competitiveness', and declared that this objective should be achieved through 'the single market, which should place emphasis on the service economy; the industrial policy, which should focus inter alia on artificial intelligence; (and) the digital policy, which should be fit for an age of digital transformation and data economy'. The European Council called on the Commission to take various initiatives to help achieve these objectives, such as developing, by March 2020, a long-term action plan for better implementation of single market rules, and presenting, by the end of 2019, a long-term vision with concrete steps for the EU's industrial future. On trade policy, leaders agreed on 'Pushing for a free trade agenda, with measures such as concluding new free trade agreements, making full use of trade defence instruments and resuming discussions on the EU's international procurement instrument. The European Council also called for the necessary steps to be taken toward the rapid implementation of the EU-US joint statement of 25 July 2018.'

President Tusk's [statement after the 22 March meeting](#) was short and straightforward: 'Today leaders discussed how to best prepare the EU for increasing global economic competition. This means strengthening the European single market and industrial base, which is key for job creation. We also agreed on the need for an open and assertive trade policy. In this context, the European Council called to resume the discussion on the public procurement instrument. We want to reinforce European capacity to deal with technology theft and cybersecurity threats, and we look forward to the Commission's recommendation on the security of 5G networks.' Kicking further in-depth

deliberations on economic affairs a long way down the road, the [European Council agreed](#) that 'In March 2020 [it] will hold an overall discussion on strengthening the economic base of the EU, on the basis of a comprehensive contribution by the Commission'. Nevertheless, the European Council returned briefly to economic affairs at its informal meeting in Sibiu on 9 May, as part of its discussion about the future of Europe and the next Strategic Agenda, covering the period 2019-2024.

The section on economic affairs in the [Leaders' Note](#), prepared by President Tusk for the Sibiu summit, was predictable. Entitled 'Developing our economic base: the European model for the future', it explained that 'A strong economic base is of key importance for Europe's prosperity and competitiveness, and for its role on the global stage. This should be achieved through an integrated approach addressing the current and emerging global, technological, security and sustainability challenges, and connecting all relevant policies and dimensions.' Accordingly, the Leaders' Note called for 'Mobilising all relevant policies' (the single market, industrial policy, taxation policy, and EMU), 'Promoting a level-playing field' (through fair competition, fighting unfair practices and security risks, and securing strategic supply chains), 'Investing in our future' (skills and education, innovation and research, public and private investment, sustainable agriculture), and 'Embracing the digital transition' (by developing artificial intelligence, promoting access to and sharing the use of data, and ensuring connectivity).

Leaders agreed on the final version of the [Strategic Agenda at their regular June summit](#). The heading of the section on economic affairs, 'Developing our economic base: the European model for the future', remained unchanged from the Leaders' Note. The substance of the section was also largely unchanged, but the style differed (the Strategic Agenda was in narrative form, rather than consisting largely of bullet points). The opening paragraph of the economic section in the Strategic Agenda elaborates more than the corresponding wording in the Leaders' Agenda: 'A strong economic base is of key importance for Europe's competitiveness, prosperity and role on the global stage and for the creation of jobs. As technological, security and sustainability challenges reshape the global landscape, we need to renew the basis for long-term sustainable and inclusive growth and strengthen cohesion in the EU. This requires achieving the upward convergence of our economies and addressing the demographic challenges.' The key additions here were the calls for sustainable and inclusive growth, stronger cohesion in the EU, upward economic convergence, and addressing demographic challenges.

Also at the June summit, as part of the European Semester, the European Council discussed the final country-specific recommendations, which set out priorities for each Member State's economic policy for the next 12-18 months. Usually the European Council 'endorses' the country-specific recommendations, but this is not a legal requirement. Indeed, [June 2019 was the first time](#) since the launch of the process in 2011 that the European Council did not endorse the country-specific recommendations, but only discussed them.

8.3. Trade and investment

Global trade and investment are key components of the panoply of EU economic policies. The EU's goals are to buttress the rules-based international system, centred on the World Trade Organization (WTO), promote freer and fairer trade and investment flows, secure access to foreign markets for EU actors, and ensure that the EU is equipped, if necessary, to defend itself against the unfair trade practices of others. Pursuing a liberal trade and investment policy has become more difficult in recent years as globalisation has stalled, populism has risen, and protectionism has soared. Three developments have been especially deleterious for the EU. The first is the unrelenting rise of China on the back of aggressive government intervention that impedes the free flow of trade and investment. The second is the damage done by the US administration of President Trump, which openly advocated and promoted protectionism, proclaimed the EU an economic foe, and crippled

the functioning of the WTO. The third, a result of China's assertiveness and America's defensiveness, is the outbreak of a US-China trade war, which risked causing collateral damage for the EU.

Trade and investment are central to the external relations of the EU. The EU's relations with China are mostly about economic affairs, and in recent years EU-China relations have become increasingly strained. Similarly, EU-US relations declined precipitously after 2017 in light of the Trump administration's policies and pronouncements, and the imposition of tariffs on steel imports from Europe. The European Council remained keenly interested in 2019 in relations with China and the US, topics that it addressed under the general heading of economic affairs as well as traditional external relations. However, the European Council was careful not to mention the US in its criticism of certain trade practices, when it clearly had that country in mind, lest it antagonise the Trump administration. By contrast, the European Council was willing to criticise China by name.

At the [March summit](#), leaders included trade and investment policy in their discussion about strengthening the EU's economic base. As noted in the conclusions, under the heading 'Jobs, Growth and Competitiveness', this 'should be achieved through an integrated approach addressing the current and emerging global, technological, security and sustainability challenges, and connecting all relevant policies and dimensions... (including) an ambitious and robust trade policy ensuring fair competition, reciprocity and mutual benefits'. In particular, the European Council asserted that 'the EU should continue to push for an ambitious and balanced free trade agenda through the conclusion of new Free Trade Agreements, promoting EU values and standards, and ensuring a level playing field. The European Council reaffirms its commitment to an open rules-based multilateral trading system with a modernised WTO at its core, and to resisting all forms of protectionism and distortions.' In addition, the European Council proclaimed that 'the EU must safeguard its interests in the light of unfair practices of third countries, making full use of trade defence instruments and our public procurement rules, as well as ensuring effective reciprocity for public procurement with third countries'. The European Council also called for 'resuming discussions on the EU's international procurement instrument', which aimed to pry open public procurement markets abroad. In response to widespread concerns about the potentially negative implications of foreign direct investment by state-controlled companies, the European Council expressed confidence that 'the new European foreign investment screening framework will enable Member States to address investments that threaten security or public order.'

Apart from the session at the spring summit devoted to 'Jobs, Growth and Competitiveness', the European Council intended to devote a session, over dinner on 21 March, to discussing relations with China, in preparation for the forthcoming EU-China summit on 9 April. Because of breaking developments, this session instead was devoted to Brexit. As a result, leaders included the discussion of China in the session the following day on general economic affairs. The implications of China's rise as a global economic power, especially in sectors such as automated machines and robots, energy-saving and electric vehicles, aerospace and aeronautics, and information technology, was of particular concern to the European Council because of the Chinese government's intervention, ranging from direct State aid to tax incentives, licensing, and regulatory approvals. So was China's Belt and Road Initiative, an ambitious plan to undertake large-scale infrastructure development projects in Africa, Asia and Europe, which had already covered more than 120 countries since its launch in 2013. Most Member States shared a general wariness of China, but many – notably in southern and eastern Europe – were willing to participate in the Belt and Road Initiative and were enthusiastic about Chinese foreign direct investment.

As a contribution to the European Council's discussion, the Commission and High Representative for Foreign Affairs and Security Policy prepared a [joint communication](#) on EU-China relations. The communication was highly critical of China and proposed ten steps for the EU to take; these aimed, among other things, at improving market access for EU businesses in China and strengthening the EU's ability to redress unfair trade practices. The Commission and the High Representative were duly

deferential to national leaders: 'Finding the right balance of policy approaches is a political judgement, requiring the attention of the European Council.'

In the event, the European Council did not endorse the joint communication but clearly drew from it in referring to trade and investment issues in the summit conclusions, under the heading 'Jobs, Growth and Competitiveness', without, however, mentioning China. The only reference to China in the conclusions was the [simple statement, under the heading 'External Relations'](#), that 'The European Council prepared the EU-China summit to be held on 9 April 2019. It exchanged views on overall relations with China in the global context.'

In his [remarks after the summit](#), President Tusk could well have been thinking about China when he said that leaders 'agreed on the need for an open and assertive trade policy. In this context, the European Council called to resume the discussion on the public procurement instrument.' He referred specifically to China when he said that 'We also discussed the priorities for next month's summit with China. Our aim is to focus on achieving a balanced relation, which ensures fair competition and equal market access. In this context, we hope to persuade China to include industrial subsidies as a crucial element of the WTO reform.'

President Tusk was more forthcoming in his [report](#) on the summit that he delivered to the European Parliament on 27 March: 'Apart from next month's EU-China summit, there are also other meetings and summits with the Chinese leaders. Therefore, it was crucially important to agree a coordinated, European approach. We worked out a positive stance that offers ambitious cooperation on bilateral and global issues, including trade. We both have a key economic interest in maintaining significant trade flows, which are possible thanks to the rules-based trading system. However, for this system to continue to operate, it needs to be quickly updated. For the EU, this means serious reform of the WTO that would cover industrial subsidies, as a priority. We want to persuade China to address this, and I am convinced we shouldn't give up. As regards bilateral issues, we would like to finalise talks on the investment agreement already next year. We will discuss all of this with China at the upcoming summit.'

At its meeting in [June 2019](#), the European Council adopted the new Strategic Agenda, which included language on trade and investment that clearly had China in mind: 'In a world where common rules and standards are increasingly questioned, it will be vital to promote a level playing field, including in the area of trade. This means ensuring fair competition within the EU and on the global stage, promoting market access, fighting unfair practices, extraterritorial measures and security risks from third countries, and securing our strategic supply chains. We will continue to update our European competition framework to new technological and global market developments.'

Trade policy came up briefly at the [December meeting](#) of the European Council when leaders expressed their concern at the paralysis of the WTO's dispute settlement mechanism following the refusal of the United States to replace members of the Appellate Body. Accordingly, the European Council reiterated its full support for the global rules-based international order and noted with concern the paralysis of the WTO's mechanism for settling disputes. Leaders supported the European Commission's efforts to set up interim arrangements with third countries while actively pursuing a permanent solution, and called on the European Parliament and the Council to examine, 'as a matter of priority', the Commission's proposal to adapt the EU legislation referring to the EU's rights under international trade agreements.

8.4. Economic and monetary union

Reform of the economic and monetary union – essentially, agreeing on a set of measures to improve the functioning of the euro area – has been high on the agenda of the European Council ever since

the onset of the euro crisis in 2010. The main elements of reform include strengthening the banking union, the EU-level banking supervision and resolution system, the introduction of a common backstop for the Single Resolution Fund, used to help resolve failing banks, and reform of the European Stability Mechanism (ESM), the bail-out fund for euro area countries experiencing or threatened by severe financing difficulties.

These are highly technical issues, the details of which are the province of the Eurogroup of finance ministers of euro area countries, and relevant services of the Commission. They are also highly political, hence the need for the European Council's involvement, mostly in the form of the Euro Summit (meetings of the leaders of euro area countries). None of the EU-27 leaders disputed the need for EMU reform, but all had difficulty agreeing on the specifics. Moreover, the waning of the euro crisis eased the pressure for reform, and the emergence of other pressing issues, such as Brexit and the need to take decisions pertaining to the new institutional cycle, limited the time available to leaders for EMU-related discussions.

In addition to the long-standing list of suggested reforms, President Macron had thrown another item into the EMU mix: a proposal to create a 'eurozone budget' that would provide automatic stabilisers to help boost consumption and business spending over the business cycle, notably during an economic downturn. The absence of such a mechanism had arguably exacerbated the economic impact of the euro crisis. Originally, President Macron had envisioned a large stabilisation fund, worth several percentage points of eurozone GDP, separate from the EU budget and with its own revenue streams, such as pan-European taxes on big technology companies or the financial sector. But the idea was deeply unpopular with the northern European, creditor countries informally known as the New Hanseatic League, led by the Netherlands. Proud of their fiscal rectitude, members of the New Hanseatic League were loath to see the euro area become a 'transfer union' in which, as they saw it, funds would flow automatically from rich, responsible creditor countries to poor, irresponsible, peripheral Member States.

At the Euro Summit in December 2018, [leaders issued a statement](#) endorsing a report of the Eurogroup on EMU deepening, including steps for reform of the ESM, the terms of reference of the common backstop to the Single Resolution Fund, and a way forward on the banking union. Leaders also gave a mandate to the Eurogroup for further work on President Macron's proposal, which by that time had been watered down to 'a budgetary instrument for convergence and competitiveness for the euro area'. Far from being an independent financial instrument, EU-27 leaders agreed that 'It will be part of the EU budget'. The word 'stabilisation' was nowhere to be found. President Tusk [hailed the outcome](#) of the December 2018 Euro Summit: 'A year ago, we promised concrete steps to strengthen the Economic and Monetary Union. Today, leaders delivered on this promise.' In fact, leaders were far from being in agreement on the entirety of EMU reform at the beginning of 2019.

The [Leaders' Agenda](#) called for a discussion of EMU – 'state of play and any further decisions' – at the European Council on 21-22 March 2019, but this did not happen. Leaders were too busy with other important issues, including a special Brexit (Article 50) meeting on the evening of 21 March, to turn their attention to EMU. Nor had the Eurogroup made sufficient progress on EMU reform to warrant a discussion, let alone a decision-making session, by leaders at the March summit. Instead, leaders discussed EMU for the first time in 2019 at their 20-21 June meeting, when they held a Euro Summit, in an extended (EU-27) format, on the second day.

Finance ministers met in the Eurogroup each month before the June European Council, including a week before leaders convened for the Euro Summit. They continued to discuss EMU reform, focusing especially on an overhaul of the ESM. This had already been under discussion for 3 years. It aimed to bring the ESM under Community law, thereby reducing the scope for potential vetoes by national governments and increasing the accountability of its decision-making in relation to the European Parliament, improve its functioning in various ways, and expand its scope so that it could

provide a backstop to the Single Resolution Fund. Finance ministers reached a preliminary agreement shortly before the Euro Summit.⁴²

The discussions among finance ministers about the proposed instrument for convergence and competitiveness were more time-consuming and testing. In early 2019, they acted as proxies for their national leaders: the French and Dutch finance ministers were at loggerheads, with the German finance minister hovering between an intellectual attachment to the Dutch position and a political attachment to the French position. France continued to push for a large eurozone budget, if necessary, on the basis of an intergovernmental agreement, with key decisions being taken by eurozone governments. The Netherlands insisted on strict conditions, including giving veto power to national governments on spending decisions. On the eve of the Euro Summit, it was clear that governments could not agree on fundamental aspects of the instrument for convergence and competitiveness, including its size and precise purpose.

Under the circumstances, the Euro Summit of 21 June was bound to be disappointing. Having let their economy ministers fight it out in the media and at meetings of the Eurogroup, national leaders resigned themselves at the Euro Summit to platitudes about the importance of EMU reform, notably changes to the treaty establishing the ESM and strengthening the banking union, and expressions of interest in what came to be called the budgetary instrument for convergence and competitiveness (BICC). Leaders did not endorse the preliminary agreement reached by their finance ministers on reform of the ESM. As the meeting page [noted dryly](#), 'The Euro Summit welcomed the progress made by the Eurogroup and invited it to continue working on all the elements of the package', a subject to which the European Council planned to return in December 2019. Other than that, leaders discussed the economic situation together with European Central Bank President Mario Draghi.

President Tusk put a positive spin on the meeting in his [post-summit statement](#): 'The leaders discussed the further strengthening of the Economic and Monetary Union. We took note of the broad agreement on a euro area budgetary instrument. The Eurogroup in an inclusive format will continue its work on this instrument, which will eventually be integrated into the long-term EU budget. The leaders also expect work on the European Stability Mechanism (ESM) Treaty to be finalised by the end of 2019.'

In the months following the June Euro Summit, finance ministers renewed their efforts to reach a draft agreement on the BICC, while continuing to grapple with far-reaching EMU reform. Given that the size of the BICC was becoming bound up in the negotiations for the next MFF, which would begin in earnest only in 2020, there was little prospect of reaching a definitive agreement on it before the next Euro Summit, in December. Otherwise, the finance ministers had come much closer together on the proposed instrument's precise purpose and management arrangements. At the same time, the finance ministers were having difficult discussions about possible changes to the stability and growth pact, an issue that was bound to sour relations between the northern and southern Member States.

In view of the incomplete negotiations on various aspects of EMU reform, leaders were not in a position to take major decisions at the [December Euro Summit](#). The [background brief](#) for the meeting stated simply that 'there will be a Euro Summit in inclusive format where EU-27 leaders will take stock of the implementation of their June 2019 statement concerning the strengthening of the Economic and Monetary Union'. Leaders duly welcomed 'the progress made in the Eurogroup in an inclusive format on the deepening of the Economic and Monetary Union', and tasked the Eurogroup 'to continue to work on the ESM package of reforms ... and to continue work on all elements of the

⁴² Vallée, S., Cohen-Setton, J., De Gruawe, P., Dullien, S., '[Why the European Stability Mechanism reform should be postponed](#)', *London School of Economics and Political Science*, 2019.

further strengthening of the banking union, on a consensual basis'. On the BICC, leaders invited the Eurogroup 'to provide its contribution swiftly on the appropriate solutions for its financing ... in the context of the next MFF'. Leaders also discussed a cherished EU objective: enhancing 'the international role of the euro, which should be commensurate with the global economic and financial weight of the Union'. While desirable, EMU issues no longer seemed pressing for EU leaders, who were happy to 'encourage work to be taken forward on all these issues and will come back to them at the latest in June 2020'.

President Michel had little to add to the official statement of the Euro Summit in his [remarks after the meeting](#). He put most emphasis on 'the international role of the euro', which he deemed 'a very important objective'. President Michel added that 'A few days ago, we have started again [the] process of regular inter-institutional meetings with the Commission, the President of the European Central Bank, and the President of the Eurogroup. It is our goal to try to develop a mid-term, a long-term vision ... with regards to the international role of the euro. We will have the occasion in the next months to speak again in the European Council and see how it is possible to try to take steps in the right direction with regard to this important point.' As the Euro Summit statement stressed, however, the weight and influence of the euro internationally would depend to a large extent on the success of EMU reform, which remained incomplete in 2019.

Especially when compared to the summit discussions of the previous evening on climate change, the Euro Summit was remarkably relaxed. Perhaps its real significance was that it provided leaders with a first opportunity to meet Christine Lagarde in her new role as President of the European Central Bank.

9. Climate policy

9.1. Introduction

The European Council addressed climate policy on a number of occasions in 2019, culminating in a contentious discussion at the December summit. At issue was the EU's ambitious goal of becoming climate-neutral – cutting net carbon emissions to zero – by 2050. Setting such a goal would represent a major achievement for the EU while cementing its self-image and international reputation as the leading global player in the fight against climate change. Apart from a pressing need for action within the EU, as elsewhere, on climate policy, two big international events in 2019 focused the EU's attention on this vital matter: one was the special United Nations Climate Action Summit in New York, in September, the other was the UN Climate Change Conference COP25 in Chile, in December, the end of which coincided with the final European Council of the year. National leaders hoped to be able to bolster the bloc's leadership and influence at these international events by agreeing on crucial, far-reaching steps within the EU to reduce global carbon emissions, in line with the celebrated Paris climate accord.

9.2. The 2050 target

In 2019, climate policy first came onto the agenda of the European Council at the [March summit](#). Following up on a discussion on climate change at the December 2018 summit, and drawing on a Commission communication and a background note from the Romanian Presidency, leaders held 'a policy debate on the EU's long-term strategic vision for a prosperous, modern, competitive and climate-neutral economy'. Despite well-known differences among Member States on aspects of climate policy, the discussion at the March summit was short and relatively uncontentious. Leaders had other, more pressing matters to address, and had not planned to discuss climate policy in detail.

Accordingly, the [conclusions merely reiterated](#) the EU's commitment to the Paris Agreement, called for renewed global efforts to tackle climate change, advocated the prompt completion of national strategies to address the issue (only four Member States – Czechia, France, Germany and the United Kingdom – had so far done so), and noted that implementation of the Paris Agreement 'offered significant opportunities and potential for economic growth, new jobs and technological development and for strengthening European competitiveness, which must be reaped while ensuring a just and socially balanced transition for all'. Hinting at difficulties to come, leaders also emphasised the importance for the EU, by 2020 at the latest, of launching an ambitious long-term strategy to achieve climate neutrality, in line with the Paris Agreement, 'while taking into account Member States' specificities and the competitiveness of European industry'. Divergent national interests would indeed plague efforts to reach unanimity, by the end of the year, on a specific strategy and a target date for the sought-after goal of reducing net carbon emissions to zero.

Climate policy gathered momentum for the European Council with the publication of a '[non-paper](#)' by eight Member States – France, Belgium, Denmark, Luxembourg, the Netherlands, Portugal, Spain and Sweden – in early May, in the run-up to the Sibiu informal summit. This was another example in 2019 of a group of countries taking an initiative to highlight a point of particular concern to them. The countries in question were ahead of the others in their willingness to call unequivocally for the EU to 'adopt an ambitious long-term strategy with the objective of reaching net-zero greenhouse gas emissions by 2050 at the latest'.⁴³

⁴³ Simon, F., '[Germany, Poland snub EU appeal for greater climate ambition](#)', *Euractiv*, 2019.

Notably absent from the group was Germany, a leader in climate policy, and the countries of central and eastern Europe, which tended to be laggards. Perhaps anticipating the battle on climate policy later in the year, Germany chose to keep its powder dry and not risk alienating Member States that would have difficulty endorsing the 2050 target date.

Climate was not discussed in any depth or detail in Sibiu, but it was included in the [Declaration](#) issued at the end of the summit. Rather than dealing with the substance of the policy field, however, leaders merely promised in the Declaration ‘to jointly tackle global issues such as preserving our environment and fighting climate change’, in the context of a commitment for the EU to become ‘a responsible global leader’. The Sibiu Declaration fed into the [Strategic Agenda](#) for 2019-2024, adopted by leaders at their regular June summit. Indeed, ‘building a climate-neutral, green, fair and social Europe’ was one of the five, catch-all priorities of the new Strategic Agenda, a section of which was devoted to the topic. In it, leaders agreed that ‘As the effects of climate change become more visible and pervasive, we urgently need to step up our action to manage this existential threat. The EU can and must lead the way, by engaging in an in-depth transformation of its own economy and society to achieve climate neutrality. This will have to be conducted in a way that takes account of national circumstances and is socially just.’

Whereas deciding on the language on climate policy in the Strategic Agenda was easy, reaching agreement on a commitment to climate neutrality by 2050 proved impossible at the June summit. With the UN Summit looming, leaders focused on the need to step up EU climate action and ensure the transition to net carbon emissions. After a rancorous discussion, the leaders of four Member States – Estonia, Czechia, Hungary and Poland – held out against the target date of 2050. It was no surprise that Poland’s Prime Minister, Mateusz Morawiecki, was the most vocal of the hold-outs. As he had repeatedly explained inside and outside the European Council, Poland is heavily reliant on domestic coal for its electricity production and would incur heavier costs than other Member States in order to achieve ambitious emissions reductions. Like other leaders, Prime Minister Morawiecki was keenly attuned to national constituencies, in this case the highly influential coal industry. Given Poland’s history, national security was another key consideration for the Prime Minister. Severely curtailing carbon emissions, while environmentally desirable, could be strategically risky if it increased Poland’s dependence on foreign energy sources. The other three leaders seemed less adamant than Prime Minister Morawiecki on the question of climate policy, with the leaders of Czechia and Hungary supporting Poland in part out of solidarity with another member of the Visegrad Four group of central and eastern European countries.

The Czech and Hungarian leaders may also have wanted to show their support for Prime Minister Morawiecki in the face of President Macron’s vocal criticism of Poland’s position. The French President had already clashed with the Polish Prime Minister, and with the leaders of Czechia and Hungary, on a number of issues, including the rule of law. President Macron’s strong rebuttal of Prime Minister Morawiecki’s arguments against committing to the proposed climate strategy likely strengthened the recalcitrance of the three central and eastern European leaders. Being averse to disputes within the European Council, Chancellor Merkel was more understanding of the minority position while making clear her own preference for the target date of 2050.

The [conclusions of the June summit](#) made the best of a difficult discussion. They included uncontroversial language about the importance of the forthcoming UN Summit and the active involvement of Member States and the Commission in preparations for it. The European Council duly invited the Council and the Commission ‘to advance work on the conditions, the incentives and the enabling framework to be put in place so as to ensure a transition to a climate-neutral EU in line with the Paris Agreement that will preserve European competitiveness, be just and socially balanced, take account of Member States’ national circumstances and respect their right to decide on their own energy mix, while building on the measures already agreed to achieve the [previously agreed-upon] 2030 reduction target’. However, the goal of transitioning to ‘a climate-neutral EU in

line with the Paris Agreement’ contained a revealing footnote: ‘For a large majority of Member States, climate neutrality must be achieved by 2050.’ As is the case with official European Council documents, the names of the Member States in the majority and the minority were not included.

At the June summit, Donald Tusk had not been in a good position to mediate the dispute involving Prime Minister Morawiecki, a bitter political rival in the European Council President’s native Poland. The President’s [post-summit comments](#) on the leaders’ climate deliberations were somewhat pointed: ‘We also discussed how to ensure a climate-neutral EU in line with the Paris Agreement. A vast majority of Member States has committed to climate neutrality by 2050. But reaching unanimity was not possible today.’ By referring to a ‘vast majority’ rather than a ‘large majority’, as in the conclusions, President Tusk subtly suggested the seemingly extreme position of the four hold-outs. The President added: ‘we have good reason to believe that this [opposition] may change, as no country ruled out the possibility of a positive decision in the coming months’.

Failure to reach unanimity on the target date of 2050 for climate neutrality slightly dimmed the EU’s lustre at the UN Climate Summit in September, but the EU still shone on the world stage as a global leader in this policy field. The advent of the Finnish Council Presidency, in July, helped to keep the spotlight within the EU on climate policy, a priority for the government in Helsinki, which included members of the Green Party. Indeed, Finland’s national climate target called for net carbon emissions by 2035, although the government had not yet devised a detailed strategy for meeting such an ambitious goal. At the same time, Commission President-elect von der Leyen promised to put climate at the top of her agenda, calling for a ‘Green New Deal’ and a quick commitment to the 2050 goal. These developments further burnished the EU’s credentials as a global leader in the fight against climate change while presaging additional battles within the European Council.

The high cost of meeting EU carbon emissions targets meant that Poland would expect significant compensation before abandoning its opposition to the 2050 goal. The Commission had already been working on a ‘Just Transition Fund’ to help Poland and other heavily coal-dependent Member States make the expensive transition to climate neutrality. Financial assistance to hard-pressed Member States was bound to be part of a comprehensive agreement within the EU on climate policy. It would nevertheless be controversial and would likely complicate the negotiations that were about to start in earnest for the next MFF. Many of the net contributors to the EU budget, already alarmed by calls for additional EU spending, would balk at establishing a substantial Transition Fund.

The regular October summit gave EU leaders an opportunity to take stock of the climate debate. By that time Estonia, which had not been as strongly opposed as the other three hold-outs to the 2050 goal, but had a climate-sceptic party in the coalition government, had signalled its switch to the majority position. In the event, leaders did not spend much time on climate at their busy October meeting. The [conclusions](#) noted merely that the European Council welcomed the outcome of the UN Climate Summit, and that it was ‘determined that the EU will continue to lead the way in a socially fair and just green transition in the implementation of the Paris Agreement, in line with its June 2019 conclusions’. As for the contested goal of climate neutrality by 2050, ‘the European Council recalls that it will finalise its guidance on the EU’s long-term strategy on climate change at its December meeting’.

9.3. The December summit

Coinciding with the end of the COP25, held under the Presidency of Chile with logistical support from Spain, the December summit was an opportunity for the European Council to emphasise its commitment to tackling climate change by declaring the Member States’ unanimous adoption of the 2050 target for achieving zero carbon emissions. This was the first European Council attended by Charles Michel and Ursula von der Leyen in their new presidential positions. Only the day before

the opening of the summit, President von der Leyen proposed the [European Green Deal](#) at the European Parliament. This included possible funding of up to €100bn for climate transition in eligible Member States, something that was clearly intended to change the minds of the three hold-outs at the summit – the leaders of Czechia, Hungary and Poland. A successful summit outcome would bolster Ursula von der Leyen’s standing at the outset of her Presidency, especially after her rocky approval process in the EP.

For Charles Michel, the stakes at the summit were much higher. Climate change was one of the issues that he had singled out for special attention as European Council President. As part of the usual round of meetings with national leaders before a major summit, President Michel travelled to Poland for extensive discussions with Prime Minister Morawiecki. The cordiality of their meetings, including over dinner in a Warsaw restaurant, was captured in the documentary about the European Council authorised by President Michel and broadcast in 2020. It is clear from the film that President Michel appreciated Prime Minister Morawiecki’s reluctance to commit to the 2050 target, but was optimistic about the chances of reaching an agreement at the summit.⁴⁴

In his [letter of invitation](#), President Michel stated: ‘I want us to agree on the commitment for the EU to become climate-neutral by 2050. This would be a major signal from the European Council that the EU will take a global leadership role on this crucial issue. It is my conviction that the transition to climate neutrality will create new opportunities for economic growth and development. However, we must also recognise that it will require ... [that we] put in place a framework and the necessary resources to chart a fair and balanced path towards our objective. This means taking into account the different national realities and starting points.’

The summit did not work out as planned. In a dramatic touch, [environmental activists scaled the Europa building](#), where the summit was taking place, setting off flares and unveiling a banner declaring a climate emergency in Europe. Starting a little later than planned, the first day of the summit opened, as usual, with an exchange of views with the EP President. Leaders were then scheduled to spend the bulk of the afternoon discussing ‘the vital challenge of climate change’ before turning, over dinner, to the MFF. The first day was to have concluded shortly after dinner with a debrief on the implementation of the Minsk Agreement, concerning the situation in Ukraine, along with the endorsement of short conclusions on the WTO, Africa and Turkey. Instead, leaders spent almost the whole first day of the summit on climate, touching only briefly on other issues before ending the session well after midnight. By that time, Czechia and Hungary had abandoned their opposition to the 2050 target, but Poland remained obdurate.

During the protracted discussions, which took place in small groups as well as in plenaries, the Finnish Prime Minister (in the Council Presidency), President von der Leyen and President Michel did their utmost to bring Poland on board. Tempers were often frayed, with President Macron and Prime Minister Morawiecki once more rubbing each other up the wrong way. All leaders have domestic constraints, and can usually empathise with each other. The Polish leader faced a powerful coal lobby and influential far-right politicians dismissive of climate science. To help him prevail at home, and also on the merits of the issue, Prime Minister Morawiecki needed credible commitments from the European Council of large-scale financial assistance for making the transition to climate neutrality, but not at the expense of spending on cohesion or agriculture in the next MFF, from which Poland expected to benefit. He also wanted to ensure that Poland had sufficient flexibility to devise its own strategy to reach the 2050 goal.

Other leaders were wary of linking the proposed Just Transition Mechanism too closely to the MFF. Negotiations for the next MFF, on which leaders were supposed to touch, however briefly, at the

⁴⁴ Bureau, A. and Yann-Anthony, N., ‘[Sommets: dans les secrets des négociations européennes: Le climat](#)’, *La Chaîne parlementaire*, 2021.

December summit, would be tricky enough without the addition of costly climate adaptation. Nevertheless, all agreed that there would need to be some kind of connection between the Just Transition Mechanism and the MFF. As the talks progressed, leaders seemed poised to reach a satisfactory agreement. In the end, however, Poland was not yet prepared to go along with the others.

Czechia and Hungary joined the majority not only because of financial incentives, but also because of an understanding among leaders that nuclear energy could be an option for meeting climate targets. This was a rare instance in 2019 of the leaders of France, Czechia and Hungary seeing eye-to-eye. The [conclusions](#) were carefully drafted in order not to alienate countries, such as Austria and Luxembourg, that were strongly anti-nuclear: 'The European Council acknowledges the need to ensure energy security and to respect the right of the Member States to decide on their energy mix and to choose the most appropriate technologies. Some Member States have indicated that they use nuclear energy as part of their national energy mix.'

On the crucial question of the target date, the [conclusions](#) declared that 'the European Council endorses the objective of achieving a climate-neutral EU by 2050, in line with the objectives of the Paris Agreement. One Member State, at this stage, cannot commit to implement this objective as far as it is concerned, and the European Council will come back to this in June 2020.' Indeed, the European Council promised to 'keep progress towards the EU's objective of climate neutrality by 2050 under review and give strategic guidance, as appropriate'. Beyond that, leaders stressed that the transition to climate neutrality would bring significant opportunities for economic growth, markets, jobs and technological development, took note of the Commission's communication on the European Green Deal and asked the Council to work on it, and recognised the need to put in place a framework to ensure a cost-effective, socially balanced and fair transition to climate neutrality, taking into account different national circumstances. They also acknowledged that the next MFF would significantly contribute to climate action, with tailored support for regions and sectors most affected by the transition being made available from the Just Transition Mechanism.

The statement in the conclusions that 'The European Council endorses the objective of achieving a climate-neutral EU by 2050', seemed disingenuous, given the clarification in the next sentence that 'One Member State, at this stage, cannot commit to implement this objective as far as it is concerned'. Charles Michel sought to gloss over this anomaly in his post-summit press conference, his first as European Council President. In what the *Financial Times* described as a bout of Belgian surrealism, President Michel gave a torturous explanation of the summit discussions and their outcome.⁴⁵ Pressed by puzzled journalists, Charles Michel understandably sought to portray the first summit of his Presidency as an undeniable success. The EU had certainly come a long way in 2019 towards committing to the ambitious goal of climate neutrality by 2050, but Poland's continuing resistance was a disappointment. The President and other leaders cannot have relished the prospect of returning to this issue in June 2020, as called for in the December 2019 conclusions.

⁴⁵ Khan, M., '[Climate contortions at EU leaders' summit](#)', *Financial Times*, 2019.

10. The multiannual financial framework

The multiannual financial framework was the dog that did not bark in the European Council in 2019. Leaders did, indeed, discuss the MFF on a number of occasions, notably in October and December. They also made clear, on numerous occasions in 2019, that negotiating the next MFF would be a fraught and arduous process. But the MFF did not preoccupy the European Council throughout the year in a way that leaders, in 2018, thought that it might.

The current MFF was due to expire at the end of 2020. Working backwards, the new MFF would need to be agreed in plenty of time to allow for the potentially lengthy approval process. Ideally, negotiations would therefore be finished by the end of 2019, which was the goal of the Finnish Presidency in the second semester of the year. In the event, negotiations within the European Council began in earnest only in early 2020. Given other developments in 2019, such as the uncertainty of Brexit, which had implications for the EU budget, and the change in EU institutional leadership, the European Council was happy to hold things over until the start of the new year. Undoubtedly, inertia played a part. Knowing how contentious the budget negotiations were bound to be, and already involved in difficult talks over climate policy and other issues, leaders in 2019 understandably put the MFF on the long finger.

Leaders had first discussed the forthcoming MFF at an informal summit in February 2018. The purpose of the meeting, [according to President Tusk](#), was for the European Council to give the Commission ‘political guidance ... before coming up with its proposals’. Leaders discussed the general priorities for the period of the next MFF, the overall level of expenditure, and the possible timetable for the negotiations. Without yet trying to reach agreement on the size of the budget, [leaders acknowledged](#) that the EU would need to ‘spend more on stemming illegal migration, on defence and security, as well as on the Erasmus+ programme’.

Leaders claimed that they wanted to speed up the MFF negotiations, in comparison with the previous MFF, which took almost 2 years from the time the Commission submitted its proposal to the time that the European Council reached a political agreement. The Commission presented its [proposal for the 2021-2027 MFF](#) on 2 May 2018, thereby formally launching the negotiations. Thereafter, the General Affairs Council regularly discussed the MFF. Leaders had their first substantial exchange of views on the MFF, on the basis of a progress report by the Council Presidency, at their [December 2018 summit](#). As well as calling on the incoming Council Presidency to continue work on the MFF, leaders declared their aim to reach an agreement in the European Council in the autumn of 2019.

The General Affairs Council worked in the first semester of 2019 to provide the June European Council with a negotiating box for its deliberations. Prepared by the Council Presidency, with the approval of the General Affairs Council, the negotiating box is a means of structuring negotiations among national leaders on the MFF, not least by highlighting issues that would most likely require political guidance from the European Council. At the summit, leaders briefly discussed the negotiating box prepared by the Romanian Presidency. While welcoming the work done by the General Affairs Council and the Presidency, leaders agreed that the process was still at a rudimentary stage. Therefore, they called on the incoming Finnish Presidency to develop a new negotiating box as the basis for a more detailed discussion in the European Council in October. The [June conclusions](#) stated rather optimistically that the European Council was aiming for an agreement before the end of the year.

Discussions within the General Affairs Council, and numerous statements by national leaders, had already exposed deep differences among Member States on the MFF. The most obvious rift was between the richer (net contributor) and poorer (net beneficiary) countries. A number of net contributors, dubbed the Frugal Four – the Netherlands, Austria, Sweden and Denmark – wanted to

cap the budget at 1 per cent of EU gross national income (GNI). Other Member States, notably the biggest beneficiaries of cohesion policy – the so-called Friends of Cohesion – were hoping for a budget of 1.16 per cent. The Commission had proposed 1.11 per cent and the EP was asking for 1.3 per cent. The future of rebates, or ‘compensatory mechanisms’, further divided the richer and poorer Member States. A legacy of the budget battles of the 1980s, rebates were used to cap the amount that some net contributors paid into the budget. Whereas Germany and the Frugals were determined to keep their rebates, other Member States – including France – saw rebates as anachronistic and unfair, and wanted them abolished. On the revenue side of the budget, ‘own resources’ were an additional source of discord. Going beyond the existing own resources, the Commission and some Member States favoured new sources of direct contributions to the EU budget, such as a tax on plastics, which would also serve an environmental purpose. Poorer Member States feared that such a tax would be disproportionately hard on them.

Under the circumstances, preparing a negotiating box was a poisoned chalice for any Council Presidency. Nonetheless, Finland accepted the challenge with alacrity, hoping to be able to conclude the MFF negotiations within the European Council, or at least move the negotiations along substantially, during its term in office. The complexity of the process grew when it became apparent, towards the end of 2019, that the cost of helping countries meet the EU’s climate target would have to be factored into the budget. Another complication, which became increasingly apparent as the year progressed, was the question of linking EU funding to compliance with the rule of law, a move that Finland strongly favoured. This raised the hackles of Hungary and Poland, two countries already under investigation by the Commission for alleged rule-of-law violations. Finnish Prime Minister Antti Rinne had an awkward meeting with Hungarian Prime Minister Viktor Orbán, in Budapest, on 30 September, where they discussed rule-of-law conditionality. Whereas Prime Minister Rinne called for a ‘balanced and legally clear instrument’ to deal with this issue, Prime Minister Orbán explained that ‘The rule of law in Hungary is not a legal matter. It’s a matter of pride.’⁴⁶

Leaders duly discussed the MFF at their October summit, but were not yet ready to try to reach an agreement. According to the [conclusions](#), following a presentation by the Finnish Presidency, ‘the European Council exchanged views on key issues of the next Multiannual Financial Framework such as the overall level, the volumes of the main policy areas, the financing, including revenues and corrections, as well as the conditionalities and incentives. In the light of this discussion, it calls on the Presidency to submit a Negotiating Box with figures ahead of the European Council in December 2019.’ Outgoing European Council President Tusk was doubtless relieved to hand this difficult dossier over to his successor. For his part, outgoing Commission President Juncker [expressed irritation](#) with the European Council’s discussion of the MFF, calling it a ‘stock-taking meeting, where everyone was repeating positions which were known, [there were] no new elements, no guidance, nothing’. As well as the previously-mentioned uncertainty about the budgetary implications of Brexit, one of the reasons why leaders may have been reticent to get into the weeds of the MFF was precisely the change in Commission leadership. As President Tusk explained in his [post-summit remarks](#), leaders were able to hear directly from Commission President-elect von der Leyen, who was a guest at the meeting, on ‘the priorities of the new Commission ... as well as the future EU budget’.

In the run-up to the December European Council, the Finnish Presidency redoubled its efforts. On 5 December, it produced what it hoped would be the final negotiating box. This came in for withering criticism at a meeting of the General Affairs Council, less than a week later. The Presidency’s proposal of a budget representing 1.07 percent of GNI satisfied neither the net contributors nor the net beneficiaries. The ‘Friends of Cohesion’ were especially alarmed. It seemed unlikely that leaders

⁴⁶ Khan, M., ‘[Von der Leyen’s fall guys](#)’, *Financial Times*, 2019.

would be able to reach agreement at their summit on 12 December, even if they were inclined to try to do so.

Whereas leaders touched on the MFF at the summit, they were not yet ready to delve into detailed and potentially debilitating negotiations. As it was, their discussion of climate policy, including financial support for countries to meet the target date of 2050 for zero carbon emissions, was lengthy and heated. In the [conclusions](#), the European Council called on President Michel 'to take the negotiations forward with the aim of reaching a final agreement'. This would be a major undertaking for the new European Council President, who, in his post-summit remarks, accepted that 'it will be my responsibility, in close cooperation with the Commission, to try to converge, to try to develop all the possible efforts in order to reach an agreement in the next weeks or in the next months'. This would require 'bilateral meetings at the technical level, and also at the political level, with the Member States ... It is very important because we know that we have to discuss many difficult and sensitive topics regarding the next budget. For example, the level of ambition ... the rebates, the conditionalities, the balance between the classical policies, on the one hand, and the new policies, on the other hand. Climate change, for example, is a very important issue in this framework ... [as are] the own resources.' President Michel [mentioned another aspect](#) of the budget process, the need 'to have a good cooperation with the European Parliament, because the European Parliament has also a role to play in order to be able to [reach an eventual] decision'. Clearly, the MFF would preoccupy the European Council in the year ahead.

11. Protecting democracy

The European Council first addressed the need to protect democracy from external threats in 2018. In early 2019, in the run-up to the European Parliament elections, the European Council became increasingly concerned about the issue. In an influential article in the *Financial Times* on 25 February, Krisjanis Karins, the new Prime Minister of Latvia, sounded the alarm. Despite leaders' public expressions of concern, Prime Minister Karins warned that 'at European Union level there is not a uniform understanding that [disinformation] is a problem'. It was not surprising, given Latvia's location and historical experience, that Prime Minister Karins had Russia firmly in mind. Russia, he declared emphatically, 'has an overt programme to sow discord in the West, especially in the EU ... In Latvia, we are on the front line, we see it on a daily basis ... Our partners in the rest of the EU have various understandings of this because they don't feel, shall we say, a military threat, therefore they don't feel that it's a problem.' Prime Minister Karins called for a long-term, sustained effort going beyond the EU elections, which EU leaders should set out in their June summit: 'Democracies are always vulnerable ... we have to understand that our society is being attacked.'⁴⁷

On his own, the leader of a small Member State was unlikely to galvanise the European Council around a particular issue. But Prime Minister Karins had the support of President Macron and other leaders. In an editorial published on 5 March in several media outlets, President Macron [issued a spirited defence](#) of the EU and warned of the risks to democracy emanating from hostile, outside forces: 'The European model is based on the freedom of man and the diversity of opinions and creation. Our first freedom is democratic freedom: the freedom to choose our leaders as foreign powers seek to influence our vote at each election. I propose creating a European Agency for the Protection of Democracies, which will provide each Member State with European experts to protect their election process against cyber-attacks and manipulation. In this same spirit of independence, we should also ban the funding of European political parties by foreign powers. We should have European rules banish all incitements to hate and violence from the Internet, since respect for the individual is the bedrock of our civilisation of dignity.'

President Tusk picked up on this immediately. In a digression during a [speech welcoming the Prime Minister of Armenia to Brussels](#), President Tusk asked to 'make one remark about today's editorial by President Macron'. It was this: 'I fully support [President Macron's] way of thinking ... There are external anti-European forces, which are seeking, openly or secretly, to influence the democratic choices of Europeans, as was the case with Brexit and a number of election campaigns across Europe. And it may again be the case with the European elections in May. This is why I am calling on all those who care about the EU, to cooperate closely during and after the European elections. Do not allow political parties that are funded by external forces, hostile to Europe, to decide on key priorities for the EU, and the new leadership of European institutions.'

These interventions set the scene for a brief discussion of disinformation and protection of democracy at the March summit. Leaders, even those whose countries were accused of rule-of-law violations, were in broad agreement about the need for vigilance against external threats. Speaking at the start of the summit, European Parliament President Tajani [struck a chord when he mentioned](#) 'the absolute need to guarantee the freedom of choice of European voters' in the run-up to the EP elections, and drew attention to a recent resolution in which the Parliament stressed the danger of disinformation and 'condemned the increasingly aggressive actions of Russia, China, Iran, North Korea and others'.

Under the heading 'Securing free and fair elections and fighting disinformation', the summit [conclusions](#) welcomed 'the important work accomplished in this respect in the past months [by the

⁴⁷ Brunsdon, J., 'Reality Check', *Financial Times*, 2019.

Commission and the High Representative], and called ‘for further enhanced coordinated efforts to address the internal and external aspects of disinformation and protect the European and national elections across the EU. Information-sharing is key in that context and the recent establishment of the Rapid Alert System is an important step forward. The European Council urges private operators such as online platforms and social networks to fully implement the Code of Practice and ensure higher standards of responsibility and transparency. It calls for continued and coordinated efforts to safeguard the Union’s democratic systems and to combat the immediate and long-term threats posed by disinformation, as an integral part of strengthening the EU’s resilience against hybrid threats.’ Leaders agreed that the European Council would come back to this issue in June, on the basis of a report prepared by the Romanian Presidency in cooperation with the Commission and the High Representative, ‘in order to inform our long-term response’.

The [report of the Romanian Presidency](#), ‘on countering disinformation and the lessons learnt from the European elections’, provided a comprehensive, albeit preliminary, evaluation ‘of the disruptive role of disinformation in the context and in the wake of the latest European elections reflect[ing] the continuous evolution of disinformation and its capacity to adapt to changing technology’. It underlined ‘the need for a permanent state of preparedness and a permanent process to tackle the problem, combining bottom-up and top-down approaches, and through pre-emptive engagement and close cooperation with the relevant stakeholders such as academia, media, civil society, fact checkers and social platforms’. The report reviewed existing efforts to counter disinformation and included a number of recommendations that could be taken at national and EU level. One of these was a proposal from the Trio Presidency of the Council – the current Romanian Presidency, together with the upcoming Finnish and Croatian presidencies – to establish ‘a permanent horizontal working party of the Council of the EU, which would have a coordinating role and would monitor possible threats to democratic processes in order to enhance resilience and counter hybrid threats’.

Leaders did not have much time to mull over the report at their busy June summit. Perhaps relieved that the EP elections had gone so well, and preoccupied with several other pressing issues, they dealt with disinformation almost in passing. President Tusk did not mention the subject in his [post-summit remarks](#). Although he went out of his way to thank the Romanian Presidency for its ‘impressive’ legislative achievements, for making ‘good progress’ on the MFF, and for hosting the successful Sibiu summit, he did not refer to the Presidency’s report on countering disinformation.

The summit [conclusions](#) nonetheless included a relatively lengthy section on ‘Disinformation and Hybrid Threats’. Citing the Presidency report and contributions from the Commission and the High Representative, EU leaders called for more efforts to raise awareness, increase preparedness and strengthen resilience to disinformation. They welcomed the Commission’s intention to assess the implementation of commitments undertaken by online platforms under the Code of Practice, and also welcomed the recent adoption of a new sanctions regime to deal with cyberattacks. Finally, they called for new measures to boost the EU’s resilience to cyber and hybrid threats from outside the EU, and highlighted the importance of better protecting the EU’s information and communication networks, and its decision-making processes, from malicious activities.

The EU and its Member States would have to remain vigilant in order to protect democracy and fight disinformation. As Prime Minister Karins and others continued to point out, external threats to democracy in the EU were pervasive and enduring. Yet the European Council did not return to the subject during the remainder of 2019. Leaders devoted their time during subsequent summits to many other equally or more important issues. The fact that they had twice touched on protecting democracy in 2019, however, was significant. It signalled awareness and concern at the highest level about the risks to core EU values posed by outside actors, at a time when democracy was in danger of being undermined internally in certain Member States.

12. External relations

12.1. Introduction

The European Council has always been keenly interested in external relations. Unexpected events outside the EU, long-term global trends, and relations with key third countries frequently require the leaders' attention. In some cases, internal and external policies are inextricably linked, migration being a good example. Classic external relations include the EU's dealings with Russia, Turkey, the United States and, increasingly, China. Bilateral EU-US relations troubled EU leaders in 2019, given the idiosyncrasies of the Trump administration, but leaders were averse to discussing the US as a separate agenda item in the European Council. To the extent that leaders touched on transatlantic relations, it was in the context of trade and investment policy. Russia remained high on the European Council's agenda in 2019, largely because of the ongoing conflict in Ukraine and because of concerns about possible Russian interference in the European Parliament elections. Turkey also loomed large for the European Council in 2019, especially because of Turkey's illegal drilling off the coast of Cyprus and military action in north-east Syria. New in 2019 was the European Council's extensive discussion of policy towards China, going beyond economic issues (China was last on the agenda of the European Council in March 2017, as part of a debate on trade policy). Apart from occasional references to other countries and regions, the European Council in 2019 had difficult discussions about the western Balkans, notably about whether to open accession negotiations with Albania and North Macedonia.

12.2. The western Balkans and enlargement policy

The EU has long sought to promote stability and prosperity in the western Balkans by means of enlargement policy. By offering a realistic prospect of accession, the EU has attempted over the years to accelerate economic and political reforms in the region. By 2019, four of the western Balkan countries – Albania, North Macedonia, Montenegro and Serbia – were candidates for EU membership. Two of them – Montenegro and Serbia – had formally begun accession negotiations. The two remaining western Balkan countries – Bosnia-Herzegovina and Kosovo – had barely set out on their EU integration path, making candidacy, let alone membership, highly unlikely in the foreseeable future.

Slow progress in the accession negotiations with Montenegro and Serbia and the delay in opening negotiations with Albania and North Macedonia were undermining EU credibility in the region and reducing the effectiveness of EU enlargement policy. Despite widespread concerns within the EU about crime, corruption and potential political instability in Albania and North Macedonia, many Member States believed that the EU needed to send a positive signal to the region by agreeing to open accession negotiations with the two countries. Moreover, North Macedonia had removed a large obstacle on the road to eventual membership when it formally renamed itself, in February 2019, after an agreement reached in June 2018 with Greece, which had insisted on the change as a condition for allowing accession negotiations to begin.

Leaders were due to address enlargement at their regular June summit. What many of them hoped would be a short discussion, resulting in an agreement to open accession negotiations with Albania and North Macedonia, did not take place. By that time, it was abundantly clear not only that some Member States were deeply reluctant to give a green light to Albania, in particular, but also that one of them – France – had serious misgivings, more broadly, about enlargement policy in the region. The prospect of enlargement was not popular in most Member States, and was grist to the mill of eurosceptics and populist politicians. This was certainly the case in France, and may have influenced

President Macron's thinking on the matter. Understandably, however, he did not refer to domestic politics when discussing enlargement policy. Instead, he emphasised strategic considerations.

Largely at the suggestion of President Macron, the leaders of France, Germany and the six western Balkan countries held an informal summit in Berlin on 29 April. There, President Macron [advocated](#) 'a genuine strategy for the Western Balkans in order to further commit to the stabilisation of the six non-EU countries, to enhance their economic and social development and to strengthen the rule of law'. Pending the development of such a strategy by France and the EU, President Macron was adamant that it was premature to open accession negotiations with Albania and North Macedonia.

At the General Affairs Council on 18 June, held only days before the regular June summit, the French minister effectively blocked the question of accession negotiations with Albania and North Macedonia from going forward for discussion at the European Council. Accordingly, under 'Other Items', the [conclusions](#) of the June summit stated only that 'The European Council endorses the conclusions on enlargement and [the] stabilisation and association process adopted by the Council on 18 June 2019.' In its [conclusions](#), the General Affairs Council took 'good note of the Commission's recommendation to open accession negotiations [with Albania and with North Macedonia] based on its positive evaluation of the progress made and of the fulfilment of the conditions identified by the Council. In light of the limited time available and the importance of the matter, the Council will revert to the issue with a view to reaching a clear and substantive decision as soon as possible and no later than October 2019.' In other words, the European Council concurred that the discussion necessary to reach 'a clear and substantive decision' concerning Albania and North Macedonia would take place at the October summit.

Not surprisingly, the discussion of enlargement at the October summit turned into a contentious and lengthy affair. What was planned as a short exchange over dinner on 17 October became a prolonged argument among leaders that continued until early the next morning, without an agreement being reached to open accession negotiations with Albania and North Macedonia. President Macron was the sole hold-out as far as both countries were concerned, and rejected a suggestion by the Finnish President that leaders at least agree to open negotiations with North Macedonia. Like President Macron, the leaders of Denmark and the Netherlands were unwilling to allow negotiations with Albania to begin, but were willing to agree with everyone else (except President Macron) that negotiations with North Macedonia should finally go ahead. The distinction that some leaders made between the two countries was based, in part, on a perception that Zoran Zaev, North Macedonia's reformist Prime Minister, had taken the politically courageous step of changing the country's name in order to facilitate EU accession, and that his country had consistently helped to stem the flow of asylum seekers attempting to enter the EU through the western Balkans.

These constructive factors were insufficient to change President Macron's mind. As at the previous summit in June, President Macron argued that the issue went deeper than providing incentives and rewards for reforms in candidate countries. Fundamentally, it was about the enlargement process itself. After years of engaging, sometimes fitfully, with countries in the western Balkans, President Macron advocated a reappraisal of EU strategy towards the region in the form of a revitalised enlargement policy.

Regardless of the merits of this position, other leaders had little patience with the way in which President Macron made his case and with his apparent lack of empathy for Prime Minister Zaev, who was waiting outside the room and whose domestic political position would be seriously weakened by a negative outcome in Brussels. Here was another example, in 2019, of President Macron's apparent imperiousness in the European Council. Chancellor Merkel, who had shown support for President Macron by hosting the Franco-German summit with leaders of the six western Balkan countries in April, was nonetheless willing, at the October European Council, to agree to opening

accession negotiations with both Albania and North Macedonia. Anticipating President Macron's obduracy, leaders of the Visegrad Four countries had written to President Tusk before the summit, calling for a 'decisive discussion' to overcome French resistance.⁴⁸ Already at loggerheads with President Macron over rule-of-law issues, the leaders of the two of the Visegrad Four countries – Prime Minister Orbán of Hungary and Prime Minister Morawiecki of Poland – relished being part of the large majority of leaders supporting a different view than that of the French President.

On the question of opening negotiations with Albania and North Macedonia, President Tusk found himself in complete accord with the Polish Prime Minister, with whom he rarely agreed. President Tusk was extremely disappointed that, for the third time in less than 2 years, the European Council had failed to reach a breakthrough on enlargement with respect to the western Balkans. In another example of the discrepancy between the content of summit conclusions and the conduct of the summit itself, under the heading of 'Enlargement', the [conclusions contained a single, short sentence](#): 'The European Council will revert to the issue of enlargement before the EU-Western Balkans summit in Zagreb in May 2020.'

President Tusk was happy to explain the context of this brief statement in his [post-summit remarks](#). Without naming France as the sole hold-out with respect to both countries, President Tusk explained that 'The overwhelming majority wanted to open accession talks with North Macedonia and Albania. However, such a decision requires unanimity, and there was no unanimity yesterday.' He continued in a remarkably forthright way: 'Let me be very clear: North Macedonia and Albania are not to blame for this ... both these countries did what they were asked to do. And the adoption of the Prespa Agreement [on North Macedonia's change of name] was a truly extraordinary achievement. So, both countries have the right to start EU negotiations as of today. They are ready. Unfortunately, a few Member States are not ready yet. This is why we didn't manage to reach a positive decision. Personally, I think it was a mistake, but I will not comment on it further.'

In fact, President Tusk did comment further on it, when he reported on the summit to the European Parliament. As he [told](#) MEPs on 22 October, 'the leaders held a difficult debate on enlargement. Following the clear recommendation by the Commission, an overwhelming majority of Member States wanted to open accession talks with North Macedonia and Albania. Despite this, the required unanimity was not possible last week. In my opinion, this was a mistake, which I have said to the leaders (and I was a bit more direct then). Now I can only hope that the leaders draw the right conclusions, when they [next] discuss the accession process ...' This was a disappointing note for Donald Tusk on which to end his European Council Presidency.

France began, before the end of 2019, to flesh out its substantive concerns about enlargement policy in the western Balkans. However, leaders did not address the issue at the [December European Council](#). An item relating to Albania nevertheless came up at the summit, on which all Member States could easily agree: 'The European Council expressed solidarity with Albania in light of the recent earthquake. EU leaders welcomed the Commission's announcement to provide humanitarian assistance and to organise a donors' conference.' It was a point that Charles Michel stressed in his [post-summit remarks](#), his first as European Council President.

12.3. China

China may be far from Europe, but its global political and economic reach loomed large for the EU in 2019. In recent years, the EU's interest in China had focused almost exclusively on finding ways to strengthen commercial ties with the world's largest rapidly-growing, emerging economy. The EU is China's largest trading partner; [China was then the EU's second-largest, after the US](#). China is also a

⁴⁸ Brzozowski, A., '[Visegrad 4, North Macedonia in last-ditch effort to change French enlargement veto](#)', *Euractiv*, 2019.

leading destination for European investors and a source of massive direct investment in the EU. As the economic relationship has broadened and deepened, European business and political leaders have grown increasingly concerned about various Chinese policies and practices. These include Chinese subsidies for national champions and local companies (support that would not be tolerated under EU competition law), China's lack of reciprocal access to public procurement and apparent discrimination against foreign companies operating in the country, and China's insistence on technology transfers as a condition of inward investment.

In addition, concern has grown within the EU about the purpose, beyond making money, of Chinese foreign investment, especially as Chinese companies extended their reach into sensitive and strategically important sectors of the EU economy. A prime example, on which the US constantly harped, was the potential security risk inherent in the use of equipment provided by the Chinese company Huawei in 5G mobile communication networks being developed across the EU. Cybersecurity, an issue of rising importance in Europe as elsewhere, had a distinct Chinese dimension. Beyond that, many Europeans disliked the way that China was extending its global influence, by commercial and other means. Last but not least, human rights were an increasingly salient issue with respect to China, particularly as more became known about the treatment of Uighur Muslims in China's Xinjiang province.

The need to agree on a common position before the China-EU summit, due to take place in Brussels on 9 April, prompted leaders to have a thorough discussion of policy toward China. The March summit was an ideal opportunity to do so; not only was it well-timed in relation to the forthcoming China-EU summit, but also the regular March summit traditionally deals with economic affairs, including external trade and investment. As a contribution to the summit, in early March the Commission and the European External Action Service released a surprisingly hard-hitting communication: '[EU-China: A strategic Outlook](#)'. Characterising China as a 'systemic rival', the joint paper covered the spectrum of EU concerns, ranging from trade and investment, to climate change, to human rights, and set out '10 concrete actions' for leaders to discuss and endorse at the European Council later in the month. These aimed to meet three broad objectives: (1) Based on clearly defined interests and principles, the EU should deepen its engagement with China to promote common interests at global level; (2) The EU should robustly seek more balanced and reciprocal conditions governing the economic relationship; (3) ... in order to maintain its prosperity, values and social model over the long term, there are areas where the EU itself needs to adapt to changing economic realities and strengthen its own domestic policies and industrial base.

Whereas criticism of China was widespread throughout the EU, there were marked differences over China policy among and even within the Member States. Northern European countries were the most vocal in advocating a harder line towards China. Given the extent of its economic interdependence with China, Germany was in an awkward position. For leading German manufacturers, [China was a large and lucrative market](#). At the same time, German policy makers saw economic rivalry with China as one of the main reasons why the EU needed to devise a new industrial strategy to support the emergence of European champions.

Elsewhere in the EU, many countries, such as Greece, Hungary and Portugal, strongly supported Chinese investment in Europe, and advocated closer China-EU relations. No fewer than eleven Member States – mostly from central and eastern Europe – had signed up for China's '16+1' initiative, the other members of the 16 being in the western Balkans and the 1 being China. The purpose of the 16+1 format was to facilitate Chinese investment in participating countries, notably under the auspices of the Belt and Road Initiative, a major global programme focusing on infrastructure, from which most northern EU Member States had resolutely distanced themselves. Immediately after the China-EU summit, China's Prime Minister was due to travel to Croatia to attend a summit of the 16+1. Northern Member States viewed the 16+1 with deep scepticism, seeing it as

likely to divide the EU and weaken the appeal of EU membership for countries in the western Balkans.⁴⁹

In early 2019, Italy was preparing to become the most prominent EU Member State and the first G7 country to join the Belt and Road Initiative. This was highly controversial within the EU and within Italy's already fractious coalition government. A signing ceremony for the memorandum of understanding was scheduled in Rome for the day after the EU summit at which China policy would be thoroughly discussed. The EU summit would give Prime Minister Conte an opportunity to explain Italy's position to sceptical, northern European leaders.

Instead of discussing China over dinner on the first day of the March summit, leaders remained preoccupied with Brexit. It was not until the morning of the second day, when they had scheduled their discussion of economic affairs, that leaders finally turned their attention to China. Given the predominance of economic issues in the China-EU relationship, this was not a serious setback, but it meant that leaders had less time than planned to cover a wide range of pressing economic problems. In his [letter of invitation](#), President Tusk had already linked the general discussion of economic affairs and the particular discussion of China: 'In a more unstable world, shaken by new global, technological and environmental realities, there is no doubt that only together can we set our own course and defend the strategic interests of the Union. This is true whether we are talking about strengthening our economic base, combating unfair practices or tackling climate change. We will therefore discuss how to use all the levers at our disposal to safeguard the interests of our citizens and companies. China is a key global player in all these issues. We will [therefore] have an in-depth exchange of views on the direction of our overall relations with China, ahead of the upcoming EU-China summit.'

At the summit, leaders did not endorse the Commission-European External Action Service communication on China, but discussed several issues raised in it, notably industrial policy, trade policy and digital development. President Macron and Chancellor Merkel led the charge in calling for more effective EU efforts to level the playing field for European companies in China and protect against what they saw as the potentially insidious effects of Chinese investment in Europe. Despite the risk of Chinese retaliation against German companies, Chancellor Merkel argued that the EU was better served by recognising the dangers that China posed to the EU and dealing with them as expeditiously as possible. As Chancellor Merkel remarked: 'We are partners on one hand and competitors on the other, not only regarding the economy, but we also have very different political systems. We want relations on the basis of reciprocity. We also want good trade ties with China.'⁵⁰

At a time of strained relations with Washington, President Macron and Chancellor Merkel were well aware that the strategic dimension of EU-China relations was growing more sensitive and important. Washington was pressing the EU to take a stronger stand on China. Partly due to US efforts to highlight unfair Chinese trade and investment practices, the EU was becoming more aware of such practices and the need to try to counter them. But the EU did not want merely to follow – or to be seen to be following – the US line. Indeed, there were aspects of international trade and investment on which China and the EU were closer than were the EU and the US, notably on the role of multilateral institutions. In particular, China and the EU agreed on the importance of the WTO, and on the need for WTO reform, although the EU was struggling to persuade China to include industrial subsidies as a crucial element of that reform. China also supported the Paris Agreement on climate change, a cherished EU arrangement that the US had recently rejected.

⁴⁹ Hillman, J. and McCalpin, M., ['Will China's '16+1' Format Divide Europe?'](#), *Center for Strategic and International Studies*, 2019.

⁵⁰ ['EU summit: As it happened'](#), *Politico*, 2019.

Other leaders cautioned against taking a tougher line on China, especially at a time of heightened China-US tensions. Some, such as Prime Minister António Costa of Portugal, praised Chinese investment in Europe, dismissing claims that it came with diplomatic strings and security risks. According to the Prime Minister, Portugal's experience of Chinese investment was 'very positive', showing 'complete respect for our legal framework and the rules of the market'.

Prime Minister Conte sought to reassure Chancellor Merkel and others by describing the memorandum of understanding that Italy was about to sign with China on joining the Belt and Road Initiative. 'For now I have nothing to criticise', Chancellor Merkel reportedly replied, 'but unified [EU] action is better'.⁵¹

The summit [conclusions](#) belied the extent of the discussion on China, containing only two short sentences on the subject: 'The European Council prepared the EU-China summit to be held on 9 April 2019. It exchanged views on overall relations with China in the global context.' However, under the heading 'Jobs, Growth and Competitiveness' – another major agenda item – the conclusions took indirect aim at China: 'the EU must also safeguard its interests in the light of unfair practices of third countries, making full use of trade defence instruments and our public procurement rules, as well as ensuring effective reciprocity for public procurement with third countries. The European Council calls for resuming discussions on the EU's international procurement instrument.' Similarly, with China in mind, the conclusions declared that 'the EU needs to go further in developing a competitive, secure, inclusive and ethical digital economy with world-class connectivity. Special emphasis should be placed on access to, sharing of and use of data, on data security and on Artificial Intelligence, in an environment of trust. The European Council looks forward to the Commission's recommendation on a concerted approach to the security of 5G networks.'

President Tusk was more forthcoming in his [remarks](#) after the summit, explaining that leaders 'discussed the priorities for next month's summit with China. Our aim is to focus on achieving a balanced relation, which ensures fair competition and equal market access.' In his statement on the summit to the European Parliament on 27 March, President Tusk went into more detail: 'Apart from next month's EU-China summit, there are also other meetings and summits with the Chinese leaders. Therefore, it was crucially important [for leaders] to agree a coordinated, European approach. We worked out a positive stance that offers ambitious cooperation on bilateral and global issues, including trade. We both have a key economic interest in maintaining significant trade flows, which are possible thanks to the rules-based trading system. However, for this system to continue to operate, it needs to be quickly updated.'

More revealing, perhaps, was President Tusk's [reference](#) to an issue that increasingly overshadowed relations with China, but that did not appear in the European Council's conclusions: 'And of course, I can't imagine not having human rights on the agenda (of the EU-China summit). I may be old-fashioned but I still think that human rights are at least as important as trade.' Not that human rights were entirely absent from the EU's deliberations about China. For instance, the Commission-EEAS joint communication on EU-China relations referred to human rights no fewer than eight times.

As the European Council opened in Brussels, Chinese President Xi Jinping landed in Italy for the first leg of a short visit that would also include Monaco and France. On the day after the summit, Italy joined the Belt and Road Initiative, with great fanfare, at a ceremony in Rome.⁵² Two days later, President Macron hosted President Xi in Paris. In order to emphasise the broader, EU context of relations between China and France, [President Macron invited](#) Chancellor Merkel and President Juncker to join the talks (President Tusk did not attend).

⁵¹ ['EU summit: As it happened'](#), *Politico*, 2019.

⁵² Johnson, M., ['Italy endorses China's Belt and Road Initiative'](#), *Financial Times*, 2019.

The flurry of China-related discussions and events in March took place with the looming China-EU summit very much in mind. Based on the leaders' discussion at the March European Council, the Permanent Representatives and the Foreign Ministers worked on a draft joint statement for the EU-China summit. One of the EU's objectives was for both sides to agree on a deadline in 2020 to conclude a long-sought investment agreement. Another was for China to provide more transparency in its Belt and Road Initiative.

At [the bilateral summit on 9 April](#), Prime Minister Li Keqiang represented China; President Juncker and President Tusk represented the EU. After a considerable back-and-forth between the two sides on the wording of the joint statement, the agreed text satisfied many EU concerns. Indeed, leaders soon regarded the bilateral summit as representing a major breakthrough for the EU in its dealings with China, and a highlight of the EU's external relations in 2019.

President Tusk was effusive in his [post-summit remarks](#), declaring that the discussions, carried out 'in an open and honest spirit ... have been difficult, but ultimately fruitful'. Focusing on trade and investment, President Tusk emphasised the EU's interest in 'serious reform of the WTO that would cover industrial subsidies, as a priority. Therefore, I am pleased that today we agreed with our Chinese partners to address [this] issue ... It is a breakthrough. For the first time, China has agreed to engage with Europe on this key priority.' In a subtle jab at the US, President Tusk expressed his hope 'that these [efforts at WTO reform] will progress speedily ... so that we can defend the rules-based international trading system'.

As he had in his report to the EP after the March European Council, President Tusk explained in his [post China-EU summit remarks](#) that 'during our talks, we did not forget about human rights. As I have stressed many times before, human rights are – from our, European point of view – as important as economic interests. This is why today, just like in our previous meetings, I underlined the need to maintain the EU-China Human Rights Dialogue. I expressed again the EU's serious concerns as regards human rights, and raised a number of individual cases.' Knowing that Premier Li would not have been happy to hear this, President Tusk ended graciously by 'thanking Premier Li for his personal engagement in our summit'.

Having devoting considerable time to China early in the year, the European Council did not return to the subject in 2019. However, in his [remarks following the December summit](#), which included a difficult discussion about climate change, newly-installed President Michel included a final point on climate: 'next year we will also have two important summits with China, an institutional summit and a summit with all the Member States. It seems to me very important, it is a point of the conclusions, to also advance this climate diplomacy in our international relations. I consider that this is an extremely important geopolitical issue.'

12.4. Russia

The EU's strained relations with Russia were on the agenda of the European Council on a number of occasions in 2019. Russia's meddling in Ukraine remained the European Council's most pressing concern. But Russia also cast a shadow over two other issues of keen interest to the European Council in 2019 – policy towards the western Balkans and the defence of democracy within the EU, especially in the run-up to the European Parliament elections. Despite differences among leaders over the egregiousness of Russia's behaviour and how best to deal with it, and despite President Putin's transparent efforts to divide Member States on the issue, it is striking that leaders agreed unanimously in June and December 2019, without serious risk of dissention, to roll over the EU's economic sanctions on Russia for another 6 months.

The consistency of the European Council's position had much to do with the influence of Chancellor Merkel and the relentlessness of President Tusk. It was in large part thanks to them that the

[conclusions](#) of the March summit included a robust reiteration of the EU's position on the situation in Ukraine: 'Five years after the illegal annexation of Crimea and Sevastopol by Russia the EU remains resolute in its commitment to Ukraine's sovereignty and territorial integrity. The EU reiterates that it does not recognise and continues to condemn this violation of international law which remains a direct challenge to international security. The EU remains committed to implementing its non-recognition policy.'

At their [June summit](#), leaders briefly discussed Ukraine, where there was an escalation of tension following Russia's seizure of Ukrainian vessels and personnel in the Azov Sea. Leaders called on Russia to release the captured Ukrainian sailors, return the seized vessels and ensure free passage through the Kerch Strait. Leaders also called on Russia to cooperate fully with the ongoing investigation into the downing of the Malaysian airliner, flight MH17, in July 2014 by Russian-backed separatists in eastern Ukraine. The destruction of MH17 with the loss of all passengers and crew, including many EU citizens, was a pivotal event at the outset of the Ukrainian crisis that turned public and political opinion firmly against Russia. Dutch-led efforts to investigate the event (the flight originated in Amsterdam) faced Russian opposition. In view of continuing Russian non-cooperation, at their October summit EU leaders again expressed 'full support for all efforts to establish truth, justice and accountability for the victims of the downing of MH17 and their next of kin and called on all states to cooperate fully with the ongoing investigation in accordance with UNSC Resolution 2166'.

As part of an international effort to resolve the conflict in Ukraine, President Macron and Chancellor Merkel represented the EU in discussions with the Russian and Ukrainian leaders in the so-called 'Normandy format', which aimed to implement the peace-making agreements negotiated in Minsk. At the [June summit](#), President Macron and Chancellor Merkel briefed the other leaders on the sluggish implementation of the Minsk agreements and expressed their concern about a Russian presidential decree, in April, enabling the issuing of Russian passports in certain areas of Ukraine's contested eastern regions. In response, the European Council declared its readiness to take further action, including the non-recognition of passports issued in contradiction to 'the spirit and the objectives of the Minsk agreements'. At the [December summit](#), President Macron and Chancellor Merkel again informed the other leaders about the poor state of implementation of the Minsk agreements, this time following a meeting in the Normandy format, shortly before the summit, in Paris.

Although the European Council touched only briefly on Russia during the December summit, President Michel included critical comments on Russia in his [post-summit remarks](#). Newly installed as European Council President, Charles Michel may have wanted to show that his position on Russia would not differ markedly from that of his predecessor, Donald Tusk, who had been highly critical of President Putin. Noting that the European Council had discussed the situation in Ukraine and decided to extend sanctions against Russia, President Michel emphasised that this was an issue on which the European Council would remain highly vigilant.

12.5. Turkey

EU-Turkey relations deteriorated further in 2019. Two issues, in particular, required the European Council's attention. One was Turkey's illegal drilling activities within the exclusive economic zone of Cyprus. The other was Turkey's unilateral military action against Kurdish positions in north-east Syria, which exacerbated an already tense situation. In responding to these developments, leaders were aware of the need to be firm without jeopardising Turkish cooperation in the all-important effort to stem irregular migration into the EU.

The country most affected by Turkey's illegal drilling was, of course, Cyprus. It was not surprising, therefore, that Cypriot President Anastasiades raised the matter with his fellow national leaders at

the first available opportunity. That was in Sibiu, in May, where the contretemps with Turkey intruded on an otherwise serene summit. Because of its informal nature, there were no conclusions after the Sibiu meeting. However, President Tusk, who had facilitated President Anastasiades' request to raise the matter, strongly supported Cyprus in his [post-summit remarks](#): 'The European Union stands united behind the Republic of Cyprus and expects Turkey to respect sovereign rights of the EU Member State. The European Council will continue to follow these developments closely.'

Indeed, after its [June meeting](#), the European Council issued a blistering criticism of Turkey's continuing illegal activities off the coast of Cyprus. Once again, President Anastasiades had briefed his colleagues on the situation, and received a sympathetic response. The conclusions were appropriately hard-hitting: 'The European Council expresses serious concerns over Turkey's current illegal drilling activities in the Eastern Mediterranean and deplores that Turkey has not yet responded to the EU's repeated calls to cease such activities. The European Council underlines the serious immediate negative impact that such illegal actions have across the range of EU-Turkey relations. The European Council calls on Turkey to show restraint, respect the sovereign rights of Cyprus and refrain from any such actions ... The EU will continue to closely monitor developments and stands ready to respond appropriately and in full solidarity with Cyprus.' Hinting at possible sanctions against Turkey, the European Council endorsed 'the invitation to the Commission and the EEAS to submit options for appropriate measures without delay, including targeted measures'.

The European Council also declared in its [June conclusions](#) that it 'will remain seized of the matter and will revert accordingly'. It did so at its next meeting, in October. Shortly before the summit, the Foreign Affairs Council had discussed Turkey's continued drilling activities in Cyprus' exclusive economic zone and adopted [conclusions](#) agreeing that 'a framework regime of restrictive measures targeting natural and legal persons responsible for or involved in the illegal drilling activity of hydrocarbons in the Eastern Mediterranean be put in place'. The European Council [duly endorsed](#) the Council conclusions and reaffirmed its solidarity with Cyprus, while once again promising to 'remain seized of this matter'.

The European Council's condemnation of Turkey, and the threat of sanctions, had so far failed to deter President Erdoğan. In what was beginning to look like a repetitious response, the European Council once again denounced Turkey in December 2019, 'reconfirm[ing] its conclusions of 17-18 October concerning Turkey's illegal drilling activities in Cyprus' Exclusive Economic Zone'. In addition, the European Council took issue with a related initiative by Turkey: the signing of a memorandum of understanding with Libya on the delimitation of maritime jurisdictions in the Mediterranean Sea, which, according to the European Council, 'infringes upon the sovereign rights of third States, does not comply with the Law of the Sea and cannot produce any legal consequences for third States'. In its [final set of conclusions for the year](#), the European Council 'unequivocally reaffirms its solidarity with Greece and Cyprus regarding these actions by Turkey'.

By that time, leaders had also taken issue with Turkey's military action in north-east Syria, which had begun in early October. On 14 October, at the same meeting in which it condemned Turkey's illegal drilling in the Eastern Mediterranean, the [Foreign Affairs Council condemned](#) 'Turkey's military action in north-east Syria', and recalled 'the decision taken by some Member States to immediately halt arms exports licensing to Turkey ... on the basis of the provisions of the Common Position 2008/944/CFSP on arms export control'. [Meeting a week later](#), the European Council endorsed the Foreign Affairs Council conclusions and denounced Turkey's 'unilateral military action in North East Syria which causes unacceptable human suffering, undermines the fight against Da'esh and threatens heavily European security.'

Dealing with Turkey in 2019 had been challenging for the European Council. In his first [post-summit remarks](#), following the December European Council, President Michel expressed the dilemma facing the EU: 'We have had tonight the occasion to discuss different international topics, especially the

relationship with Turkey ... We consider it is important in the future to continue to develop a dialogue with this important country. We know that with regard to migration, for example, it is very important to keep a close cooperation. But at the same time, we know that is important to try to have a strategic vision ... [and to know] what we want with this important country for the future of Europe.'

12.6. The United States

President Donald Trump's evident disdain for the EU and disruption of transatlantic trade greatly bothered Europeans in 2019. National leaders spoke frequently about the erratic and potentially destabilising behaviour of the Trump administration, and the Presidents of the European Commission and the European Council were often openly critical of the US President. Nevertheless, the European Council studiously refrained from discussing transatlantic relations as a stand-alone agenda item and, in its conclusions, rarely mentioned the United States. Whereas leaders may well have used meetings of the European Council to have corridor conversations about the latest developments in Washington and the widening rift between Europe and the United States, they did not discuss the sorry state of EU-US relations in formal summit sessions. Perhaps they did not want to risk making a bad situation worse.

On two occasions in 2019, leaders included veiled criticism of the US in the European Council conclusions. Not surprisingly, both pertained to discussions about international trade and investment. The first was when leaders addressed economic affairs at their regular [March summit](#). According to the conclusions: 'The European Council reaffirms its commitment to an open rules-based multilateral trading system with a modernised WTO at its core, and to resisting all forms of protectionism and distortions.' This reflected the leaders' increasing frustration with US unilateralism and efforts to undermine the WTO by blocking the appointment of new Appellate Body members.

In a rare, specific mention of the US, the [March conclusions](#) went on to call 'for the necessary steps to be taken towards rapid implementation of all elements of the U.S.-EU Joint Statement of 25 July 2018'. This was a reference to the outcome of a meeting in Washington between Commission President Juncker and US President Trump that aimed to ease transatlantic trade tension. According to the [Joint Statement](#), the EU and the US would work together with a view to achieving 'Zero tariffs, zero non-tariff barriers, and zero subsidies on non-auto industrial goods; Strengthening cooperation on energy; Launching a dialogue on standards; (and) Reforming the WTO and addressing unfair trading practices, including intellectual property theft, forced technology transfer, industrial subsidies, distortions created by state-owned enterprises, and overcapacity.' The European Council was concerned because, although considerable progress had been made, tariffs on European steel and aluminium remained in force and were being extended to derivative products.

The second occasion when leaders included an oblique reference to the US in summit conclusions was at their [December meeting](#). As on the first occasion, at issue was the future of the WTO: 'The European Council reiterates its full support for the global rules-based international order and notes with concern the paralysis of the WTO's mechanism for settling disputes. It supports the Commission's efforts to set up interim arrangements with third countries while actively pursuing a permanent solution. The European Council calls on the European Parliament and the Council to examine, as a matter of priority, the Commission's proposal to adapt, in line with WTO rules, the current EU legislation on the effective exercise of the EU's rights under international trade agreements to this new situation.'

Despite the restraint that the European Council showed with respect to the United States, President Tusk was occasionally unrestrained in his comments about the policies of the Trump administration. For instance, [speaking after the Euro Summit on 20 June](#), President Tusk could not resist taking a

swipe at the United States when he remarked that ECB President Draghi had ‘emphasised that the biggest risks to the global economic outlook are trade and geopolitical tensions. We will take this message to the G20 in Osaka, where we will try to persuade our partners to cooperate, rather than threaten one another.’ By implication, the partner in question was the United States.

President Michel was more discreet than President Tusk in his public pronouncements. While also being careful not to mention the United States, President Michel nevertheless made clear the intended target of his criticism in his [post-summit remarks](#) about the importance of multilateralism and the WTO. Warning against a slide towards protectionism in international trade relations, President Michel stressed the importance of being able ‘to defend the legitimate interests of the European Union in commercial and economic terms’.

12.7. Other countries and regions

As was the case with Albania in December, the European Council used its [summit conclusions](#) on other occasions in 2019 to express sympathy and solidarity with third countries hit by natural disasters. Thus, in its March conclusions: ‘The European Council deeply regrets the loss of lives and the destruction in Mozambique, Malawi and Zimbabwe, caused by tropical cyclone Idai. The European Council welcomed the emergency response already provided by the European Union and its Member States, and expressed its readiness to continue supporting the concerned countries in providing urgent humanitarian relief assistance to the affected populations.’

The European Council sometimes used its conclusions to draw attention to particular international initiatives or developments that had not necessarily been discussed at the meeting, or that may have been mentioned only briefly. The [June summit had an unusually crowded agenda](#), including relations with Russia and Turkey’s illegal drilling in the eastern Mediterranean. Not discussed at the summit, or possibly mentioned in passing but included in the conclusions, were:

- A reaffirmation of the importance of the Eastern Partnership (2019 was its 10th anniversary). The European Council invited the Commission and the High Representative to present new long-term policy objectives by early 2020, ahead of the next Eastern Partnership summit.
- A statement of support for the peaceful transfer of power in the Republic of Moldova. The European Council invited the Commission and the High Representative to work on a set of concrete measures to help Moldova, based on the country’s sustained implementation of reforms under the Association Agreement.
- A recognition of the renewed impetus in EU-Morocco relations, with the European Council looking forward to the upcoming EU-Morocco Association Council.
- An acknowledgement that the stability, security and prosperity of the countries on the southern shore of the Mediterranean are of crucial importance for the EU, and that peace and long-term stability in Libya are a common priority: ‘The EU reiterates its support for the UN-led process for the cessation of hostilities and an inclusive political solution.’

The entire continent of Africa was mentioned in two short sentences in the summit [conclusions of June 2019](#): ‘The European Council underlines the crucial importance of the EU’s strategic partnership with Africa. We are committed to developing it further with a shared ambition to face together common and global challenges.’ Leaders returned to the subject of the EU’s relations with Africa at greater length in December. They did so, in part, because of newly-appointed European Council President Charles Michel’s avowed interest in promoting greater EU involvement in Africa, which had also been a hallmark of his Prime Ministership of Belgium. At the [December summit](#), leaders reaffirmed the importance of the EU-Africa partnership, stressed the need for a strategic discussion on Africa relations, and called on the Commission and the High Representative to provide

it with the necessary basis for such a discussion at the June 2020 European Council, in preparation for the next European Union-African Union summit, scheduled for October 2020.

Given his interest in Africa and eagerness to put a stamp on his new position, European Council President Michel dwelt on EU-Africa relations in his [post-summit remarks](#). Apart from reiterating that Africa 'is a very important continent for us', which is 'why we think that the preparation of the next European summit with Africa ... will be very important', President Michel stressed the relevance of Africa 'in the fight against terrorism', a topic that leaders had touched on in the summit. On this occasion, the European Council President mentioned France by name, recognising its contribution 'at the forefront, with the support of other European countries', combating terrorism in the vast Sahel region. Terrorism in parts of Africa, President Michel stressed, 'is a threat to the countries, is a threat to the peoples concerned, [and] is also a threat to our own security, to our freedoms, to our values of the rule of law, to our values of democracy in the European Union'.

There was one other item of external relations to which the European Council turned its attention, albeit very briefly, in 2019. This was largely ceremonial, uncontroversial, and even enjoyable for the EU leaders. On 22 March, on the 25th anniversary of the European Economic Area (EEA), the Prime Ministers of Iceland, Liechtenstein and Norway – whose countries, along with the EU Member States, make up the EEA – were invited as guests to attend the European Council. The leaders of the EEA member states had a lively exchange of views. The conclusions of the March meeting did not mention the get-together, but the Prime Ministers of Iceland, Liechtenstein and Norway issued a [joint statement](#) that was fulsome in its praise for the EEA: 'We reaffirm our shared values of democracy, individual freedom, the rule of law and human rights, and a common commitment to open societies and open economies ... The EEA Agreement provides a framework for extensive rules-based multilateral cooperation in Europe. It promotes prosperity, innovation, competitiveness and general welfare, and plays a key role in fostering high social, consumer and environmental standards ... The EEA is a manifestation of solidarity among the countries of Europe in overcoming shared social and economic challenges ... During the last 25 years, Europe has undergone profound changes. The positive spirit of cooperation [with the EU] has allowed for adaptations and pragmatic solutions to meet our common challenges.'

In a [short speech on the occasion of the EEA anniversary](#), President Tusk could not resist drawing an obvious comparison between the positive approach of Iceland, Liechtenstein and Norway and the awkwardness of EU Member States that were questioning the rule of law or, in the case of the UK, were leaving the EU altogether. As President Tusk pointed out: 'The EEA Agreement is not a short-term transaction, but a long-term partnership, where everyone contributes, and everyone benefits. In a world of resurgent nationalism and authoritarianism, in which geopolitical tensions create real threats to our citizens, you [Iceland, Liechtenstein and Norway] have stood firmly on the side of wisdom, the rule of law, cooperation and deeper integration among our nations. I would like to thank you for this today.'

13. The Conference on the Future of Europe

Concerns about a deficit of democracy at the EU level have been pervasive for many years. Leaders have sought to address them in a number of ways, mostly by encouraging a bigger turn-out in elections to the European Parliament. More recently, leaders have thought also about ways in which citizens could express opinions and share ideas, in an organised and systematic way, on the future of the EU. Leaders had their own ideas about EU reform, which they had expressed in speeches and statements, notably in [plenary sessions of the EP](#), in 2018-2019. Emmanuel Macron had put forward several suggestions before and after his election to the Presidency of the French Republic in 2017. President Macron was particularly keen to engage citizens in deliberations about EU reform and was instrumental in launching the European Citizens' Consultations, which were held throughout the EU in 2018. Although the Consultations generated a wealth of information about citizens' interests and concerns, they did not have an appreciable impact on leaders' deliberations in 2019 on the future of the EU.

In an op-ed published in several media outlets in early March, with an eye to the European Parliament elections, President Macron [issued a spirited defence of the EU](#) and called for 'European renewal'. One of his suggestions was, by the end of the year, to 'set up, with the representatives of the European institutions and the Member States, a Conference for Europe in order to propose all the changes our political project needs, with an open mind, even to amending the treaties. This conference will need to engage with citizens' panels and hear academics, business and labour representatives, and religious and spiritual leaders. It will define a roadmap for the European Union that translates these key priorities into concrete actions. There will be disagreement, but is it better to have a static Europe or a Europe that advances, sometimes at different paces, and that is open to all?'

The European Parliament has long been a leading proponent of far-reaching EU reform and of greater citizen participation in EU governance. EP interest in both grew throughout 2019, especially before and immediately after the May elections. Ursula von der Leyen tapped into this sentiment in her [speech to the EP](#), in Strasbourg on 16 July, when she asked MEPs to support her candidacy for President of the Commission. In a section of the speech entitled 'A new push for European democracy', she assured MEPs, having 'heard your concerns, your hopes and your expectations', that she wanted 'European citizens to play a leading and active part in building the future of our Union. I want them to have their say at a Conference on the Future of Europe, to start in 2020 and run for two years.'

The possibility of a Conference on the Future of Europe, involving extensive citizen participation, percolated throughout the EU in the following months before landing on the agenda of the European Council in December. In anticipation of the leaders' discussion, the French and German governments released a [non-paper](#) in late November on key questions and guidelines relating to the idea. Declaring that 'a Conference on the Future of Europe is prompt and necessary', the two governments suggested that 'To ensure best possible ownership, the Conference needs to involve all three EU institutions on the basis of a common mandate ... and allow for broad consultation and participation of experts/civil society (academia, think tanks, professional unions and organisations etc.) and citizens.' Indeed, the non-paper called for 'a bottom-up process ... [with] EU-wide participation of our citizens on all issues discussed'. The Conference 'could be chaired by a senior European personality ... advised by a small Steering Group, consisting of representatives of the EU Institutions, Member States, experts/civil society'. As for substance, the non-paper recommended that the Conference focus on a wide range of policies rather than on institutional issues. As for the outcome, France and Germany were careful not to mention possible treaty changes, suggesting only that 'The final document with recommendations should be presented to the EUCO for debate and implementation.'

In the event, leaders did not devote much time at the December summit to discussing the Conference. The Franco-German suggestion that the Conference be 'chaired by a senior European personality' was potentially divisive. President Macron was known to favour Guy Verhofstadt, a close political ally, a leading Euro-federalist, and a prominent MEP (he was also a former Prime Minister of Belgium). Perhaps wanting to avoid a difficult discussion about leadership and other aspects of the Conference, and preoccupied with weightier issues at the summit – notably climate policy – leaders kept their comments to a minimum.

[The conclusions](#) stated simply that 'The European Council considered the idea of a Conference on the Future of Europe starting in 2020 and ending in 2022. It asks the Croatian Council Presidency to work towards defining a Council position on the content, scope, composition and functioning of such a conference and to engage, on this basis, with the European Parliament and the Commission.' Keen to affirm its institutional prerogative, however, the European Council also stated that 'The European Council recalls that priority should be given to implementing the Strategic Agenda agreed in June, and to delivering concrete results for the benefit of our citizens.' In other words, regardless of the desirability of holding a Conference, of ensuring extensive citizen participation, and of involving the Council, the Parliament and the Commission 'in full respect of the interinstitutional balance and their respective roles as defined in the Treaties', the European Council had a special responsibility for directing the EU by means of the recently-agreed Strategic Agenda for 2019-2024, which it was determined to assert.

14. Relations with the European Parliament

14.1. Introduction

The European Council and the European Parliament have a quasi-adversarial relationship. The European Council is the embodiment of intergovernmentalism in the EU, whereas the EP symbolises supranationalism. The European Council considers itself beyond the reach of EP oversight or scrutiny, and the EP often seems frustrated by the increasing prominence and political importance of the European Council and by the European Council's tendency to encroach on the EP's rights and responsibilities.

The two institutions cross paths in a number of ways and on a range of policy issues. Article 15(6)(d) TEU requires the European Council President to 'present a report to the European Parliament after each of the meetings of the European Council'. These reports are usually followed by an exchange between the European Council President and the EP's political group leaders as well as ordinary MEPs. Article 235(2) TFEU states that 'the President of the European Parliament may be invited to be heard by the European Council'. Given that the EP President has spoken at the beginning of regular European Council meetings since the late 1980s, Article 4(2) of the European Council's post-Lisbon rules of procedure accepted that 'Such exchange of views shall be held at the start of the meeting of the European Council, unless the European Council unanimously decides otherwise.' These interactions between the EP President and members of the European Council, on the one hand, and the European Council President and MEPs on the other hand, are the main point of contact between the two institutions. During the encounters, the EP side – either the President speaking at the start of a summit, or MEPs speaking during visits of the European Council President to their institution – frequently raises concerns about European Council agenda items that may affect the activities and responsibilities of the EP. In 2019, these mainly had to do with Brexit, the *Spitzenkandidaten* process, the MFF and the Conference of the Future of Europe.

Although not directly pertaining to European Council-European Parliament relations, the EP in early 2019 continued the practice, begun in February 2018, of inviting national leaders to visit the EP and [speak on the subject of the EU's future](#), an issue then being discussed in the European Council. Most national leaders availed of the opportunity to speak at plenary sessions of the EP. Their speeches constituted an informal link between the EP and the European Council, and contributed to the deliberations among national leader that resulted in the Sibiu Declaration of May 2019.

14.2. Presidential styles

President Tusk often seemed impatient during his visits to the EP, giving the impression that he was delivering post-summit reports because he had to, not because he wanted to. He was not averse to asserting the European Council's prerogatives whenever he thought that the EP needed to be reminded of them. This was the case as the *Spitzenkandidaten* process played itself out. It was also the case when the European Council turned its attention to devising a new Strategic Agenda. Thus, in his [report to the EP following the Sibiu summit](#), President Tusk explained that 'The result of [the leaders'] discussion will come in June, when – as the European Council – we will adopt the EU's priorities for the next five years, also known as the Strategic Agenda. Without prejudging the outcome of this debate, as it will also be influenced by the European Parliament elections, I can state one thing with complete certainty. The leaders have categorically demonstrated that they want to take full political responsibility not only for single events or challenges, but for the European Union as a whole. Put simply, the Member States and their democratically elected leaders want to actively shape the way the EU functions and develops. I believe that such a way of thinking is important, and – above all – desirable, in order to ensure the effective functioning of our whole community.'

Another example of President Tusk's didacticism was when he [lectured the EP on the democratic foundations of the EU](#), during his visit to Strasbourg on 4 July: 'To some, the Parliament represents genuine European democracy because of its directly elected Members, while to others, it is rather the European Council, because of the strong democratic legitimacy of the leaders. In fact, such disputes make little sense, as both institutions are democratic. In the end, we must respect each other and cooperate with each other, because only then can we build trust and change Europe for the better.'

At the same time, President Tusk could be gracious in his exchanges with the EP. For instance, President Tusk [closed his speech to the EP on 16 April](#), a month before the elections, with these words: 'Dear friends, this is our last meeting in your current term. I hope to have the opportunity to meet most of you after the elections.' Opening his [report to the EP](#) following the two recent meetings of the European Council – on 20-21 June and on 30 June-2 July – President Tusk congratulated 'Members of this House and the new President on your election. I offer you my best wishes and hope for good cooperation between our institutions.' In his final report to the EP, after the October summit, President Tusk concluded by saying that he wanted 'to thank the European Parliament for five years of good cooperation. It doesn't mean that we have always agreed. Quite the contrary. But I have always respected you knowing that we share the same goal: to protect our Union and our people. Thank you.' Having listened to the debate that followed his report, President Tusk made the [following closing remarks](#): 'Thank you for all your warm words about me. It was worth waiting 5 years for such a moment.'

As President of the European Parliament until early July, Antonio Tajani was President Tusk's primary EP interlocutor in 2019 (President Tusk left office at the end of November). A long-time Brussels insider, having served as a Commissioner as well as an MEP, President Tajani was politically savvy but non-confrontational. In his opening speeches at summits, President Tajani dutifully delivered the EP's perspective on a variety of agenda items. Nonetheless, he was not shy about standing up for the EP in its dealings with the European Council. Such was the case in his [opening speech at the Sibiu summit](#), when he commented on the future of Europe debate. President Tajani stressed that, in order to meet pressing challenges, the EU needed institutional reforms to make 'decision-making processes more democratic and transparent and the EU and its institutions more accountable, as well as enhancing its efficiency and effectiveness'. President Tajani was especially critical of the European Council for going beyond its Treaty role by developing 'its own rights of political initiative in response to recent crises, sometimes encroaching into the legislative field'. He reiterated the EP's view that 'the Union must tackle the challenges of its future with greater and better political integration', and called on 'Heads of State or Government to pursue this path in a renewed spirit of solidarity and collaboration'.

By temperament and political training, European Council President Michel was much more deferential than President Tusk. The contrast in their dealings with the EP was striking. While Prime Minister of Belgium, President Michel had sat through many opening speeches by the EP President at European Council meetings. Hearing his first such speech in his new role as European Council President, at the December summit, President Michel was considerate and respectful. He went out of his way, in his post-summit remarks and in his report on the EP, to praise EP President Sassoli, who had succeeded President Tajani, and to defer to the EP's role in the MFF process and in the proposed Conference on the Future of Europe, both of which had been discussed by the European Council. Although the relationship between the European Council and the European Parliament would remain inherently edgy, there was no sign of personal friction in the interactions between President Michel and President Sassoli.

14.3. Brexit

Brexit was a major concern for the European Council and the European Parliament in 2019, as the UK parliament was unable to approve the agreement and the UK government requested extensions to the deadline for departure. The EP's concern was partly procedural. Specifically, the EP would have to give its consent before the Council (Article 50) could conclude the agreement on behalf of the EU. The delay in approving the agreement on the UK side meant a delay also on the EU side. EP leaders wanted as much notice as possible in order to organise the requisite vote in their institution.

Granting an extension to the UK raised a particular, substantive concern for the EP: the possibility that the UK, if still a Member State, would participate in the May 2019 elections. Apart from the implications of this for the campaign itself, the EP dreaded the prospect of a UK delegation, likely dominated by eurosceptics, entering the newly-elected Parliament. UK eurosceptics were already disproportionately vocal and disruptive in the EP. The thought of perpetuating their presence after the elections was distasteful to most MEPs.

The European Council first addressed a possible UK extension in March 2019, following a request by Prime Minister May. At the start of the summit, President Tajani [expressed](#) the EP's 'disappointment that the UK Government has not yet succeeded in securing a majority for the proposed deal in the House of Commons', and hoped that the European Council would keep the extension period as short as possible, while linking it to a successful vote in the House of Commons. As for securing the EP's consent to the agreement, President Tajani noted that the Parliament's last sitting before the European elections was on 18 April, and indicated that he would be willing to convene an extraordinary part-session after that date, if necessary.

In his [report to the EP](#), on 27 March, President Tusk described 12 April, the new Brexit deadline, as the 'cliff-edge date. Before that day, the UK still has a choice of a deal, no-deal, a long extension or revoking Article 50.' The possibility of a long extension, and therefore of having the UK participate in the upcoming EP elections, discomfited many MEPs and led to a lively debate following President Tusk's report. Anticipating MEPs' complaints, President Tusk was characteristically combative in his opening speech: 'And here, let me make one personal remark to the Members of this Parliament. Before the European Council, I said that we should be open to a long extension if the UK wishes to rethink its Brexit strategy, which would of course mean the UK's participation in the European Parliament elections. And then there were voices saying that this would be harmful or inconvenient to some of you. Let me be clear: such thinking is unacceptable. You cannot betray the six million people who signed the petition to revoke Article 50, the one million people who marched for a People's Vote, or the increasing majority of people who want to remain in the European Union. They may feel that they are not sufficiently represented by the UK Parliament, but they must feel that they are represented by you in this chamber. Because they are Europeans.'

Two weeks later, on 10 April, leaders held a special Brexit (Article 50) summit to consider the UK Prime Minister's latest request for another extension. In his [opening speech](#), President Tajani stressed that the key question was not the length of the extension, but whether it served a clear purpose, 'to resolve the issue meaningfully'. Not surprisingly, President Tajani underlined the significance of a further extension for the EP, given that the UK might have to participate in the May elections, which are 'the basis for the efficiency and integrity of the European Parliament and the EU'. President Tajani added: 'The European elections are not a game, and they must not be made to look like one thanks to the casual attitude that some in the UK may choose to take towards them.'

This time, [leaders agreed](#) to delay Brexit until 31 October. They stressed that the UK would have to hold EP elections 'if it is still a member of the EU between 23 and 26 May 2019. If the UK fails to hold the elections, it will leave the EU on 1 June 2019.' The Prime Minister had already agreed, in her

letter requesting an extension, that if the UK were still a Member State on 23 May it would be under a legal obligation to hold elections to the EP.

The near-certainty that the UK would participate in the May elections bothered many MEPs, who expressed frustration when President Tusk [reported on the summit](#), on 16 April. As in his previous appearance before the EP, President Tusk was uncompromising when he addressed head-on the likelihood that the UK would hold European elections in May: 'We should approach this seriously, as UK Members of the European Parliament will be there [in the EP] for several months, maybe longer. They will be full Members of the Parliament, with all their rights and obligations. I am speaking about this today because I have strongly opposed the idea that, during this further extension, the UK should be treated as a second-category Member State. No, it cannot. Therefore, I also ask you to reject similar ideas, if they were to be voiced in this House. I know that, on both sides of the Channel, everyone, including myself, is exhausted with Brexit, which is completely understandable. However, this is not an excuse to say "let's get it over with", just because we're tired. We must continue to deal with Brexit with an open mind, and in a civilised manner.'

Many MEPs were highly critical of the European Council's decision to grant an extension. Guy Verhofstadt, leader of the Liberal group, was one of them. Fearing that the Brexit process was becoming interminable, to the detriment of other EU and EP business, Guy Verhofstadt was especially critical of President Tusk's approach to the issue. In his [closing remarks](#), President Tusk took issue with the Liberal leader, who, President Tusk noted, 'was applauded, heartily and energetically, by Mr Farage [a leading Brexiter and UK MEP]. This is a good enough reason for you, Mr Verhofstadt, to reconsider and reformulate your argumentation.'

By the time that Brexit next came onto the agenda of the European Council, in October, the UK was still in the EU and MEPs from the UK, many of them as disruptive as ever before, were still in the EP. At the October summit, the EU-27 endorsed the deal for a revised agreement reached by the Commission and the UK government of Prime Minister Johnson. President Tusk referred to this almost in passing in his [post-summit report](#) to the EP, pointing out that 'On the Council side, we have just finalised the necessary steps for the EU's approval, and the legal texts are now with you. The EP has a role to play, and it is an important one.' Because the UK's departure finally seemed imminent, there was little discussion of Brexit in the EP following President Tusk's remarks.

Brexit arose for the last time on the agenda of the European Council, in 2019, at the [Article 50 meeting on 13 December](#). EU-27 leaders called for a timely ratification and effective implementation of the Withdrawal Agreement. They also discussed preparations for the negotiations on future EU-UK relations after the withdrawal. President Michel, in his first [post-summit report to the European Parliament](#), devoted a short amount of time, in an otherwise long statement, to Brexit. He summarised the conclusions of the Article 50 meeting and reconfirmed the EU's aim of establishing as close a future relationship as possible with the UK. The debate that followed included many references to Brexit and became quite heated, especially because of provocative interventions by UK eurosceptics, who were still in the House. In his concluding remarks, President Michel rebutted the statements of the Brexiteres and reiterated the EU's interest in establishing a harmonious relationship with the UK, which was soon to become a non-Member State.

14.4. The *Spitzenkandidaten* process

The *Spitzenkandidaten* process was a potentially divisive issue between the European Council and the European Parliament, and each institution had staked out its position well before the May elections. For the European Council, there would be no 'automacity' between the outcome of the elections and the nomination of a lead candidate for Commission President. For the EP, the lead candidate who could command a majority of support in the EP, after the elections, should receive the European Council's nomination for Commission President. But opinions differed within the

European Council and within the EP. For instance, President Macron did not support the procedure. Nor did Guy Verhofstadt, the leader of the Liberal group in the EP.

In 2019, leaders first discussed the procedure, however briefly, at their informal Sibiu summit. They agreed to meet again in Brussels for a working dinner on 28 May, to assess the outcome of the EP elections and start the nomination process for the heads of the EU institutions, not only that of the European Commission. After the summit, President Tusk [explained](#) that he intended to try to reach agreement in a 'swift, smooth and effective way', if possible, by means of consensus within the European Council, but that he 'would not shy away from putting [the nominations] to the vote'. President Tusk was signalling to national leaders, as well as to the EP, that he wanted to conclude the entire process by the June European Council.

In remarks before the leaders met for their informal dinner on 28 May, President Tajani emphasised that a majority of groups in the EP supported the *Spitzenkandidaten* process, which he urged the leaders to follow in their nomination of the next Commission President.⁵³ At the dinner, leaders took stock of the results of the elections and mandated President Tusk to conduct consultations with the EP and with the national leaders individually, in order to prepare the ground for the European Council to decide on the package of nominations at its June summit. [Speaking after the dinner](#), President Tusk was characteristically forthright: 'The Treaty is clear: the European Council should propose, and the European Parliament should elect [the President of the Commission]', who therefore must have 'the support of both a qualified majority in the European Council and a majority of the Members of the European Parliament'. President Tusk explained that he would now engage in consultations with the EP, as foreseen by the Treaty: 'To kick-start this process, I have already offered to meet the European Parliament's Conference of Presidents as soon as they are ready.'

During the 3 weeks between the 28 May dinner and the June European Council, President Tusk consulted closely and regularly with national leaders and with leading MEPs, including President Tajani, and, individually, the heads of the political groups. On 18 June, he met the EP's Conference of Presidents. At the beginning of the summit, on 19 June, President Tajani [reiterated the EP's position](#) on the *Spitzenkandidaten* process and urged leaders to nominate one of the lead candidates, ideally Manfred Weber, leader of the EPP group in the EP, to which President Tajani also belonged and whose party had won most seats in the elections.

Despite being 'cautiously optimistic' before the June summit, President Tusk [reported afterwards](#) that leaders were unable to reach agreement on an appointments package 'reflecting the diversity of the EU'. The time available to them to discuss the top-level appointments was limited. Accordingly, leaders agreed to convene a special summit, devoted exclusively to the issue, on 30 June. In the meantime, President Tusk would continue his consultations with national and EP leaders.

Addressing the European Council at the [start of its meeting](#) on 30 June – the last summit that he would attend – President Tajani once again stressed the EP's position in support of the *Spitzenkandidaten* process. At the end of the long meeting, a much-relieved President Tusk [reported](#) that the European Council's nominee for Commission President was Ursula von der Leyen. Knowing that many MEPs would be unhappy with the nomination of someone who had not been a lead candidate, President Tusk emphasised an important selling point for Ursula von der Leyen: 'If elected, she will be the first woman to lead the European Commission.'

President Tusk was aware that the appointments package agreed to by the European Council lacked geographical and party-political balance. None of the candidates was from central and eastern Europe, the Party of European Socialists was under-represented, and the Greens were not

⁵³ Herszenhorn, D., and De La Baume, M., '[Tajani says majority of Parliament backs 'lead candidate' system](#)', *Politico*, 2019.

represented at all. During the summit, EU leaders had reportedly sought to rectify some of these imbalances by suggesting the election of a European Parliament President from the Socialists and Democrats (the group of the Party of European Socialists in the EP) and from central and eastern Europe, who would be followed in the second half of the term by someone from the EPP group. The preferred candidate of the national leaders was reportedly Sergei Stanishev, a former Prime Minister of Bulgaria, now a leading MEP. Whatever their position on accepting Ursula von der Leyen as Commission President, MEPs were not likely to follow the lead of the European Council when electing their own President. Indeed, only one day after the end of the special summit to agree on the jobs package, the [EP elected David Sassoli](#), an Italian MEP belonging to the S&D, as its new President.

The vote for Commission President took place on 16 July, and the outcome was far from being a foregone conclusion. In an effort to appease the Greens, who opposed Ursula von der Leyen, President Tusk [told the EP](#) on 4 July that: ‘During the process of nominations, I was in close contact with the leadership of the Greens, especially with Ska Keller and Philippe Lamberts. I am fully confident that cooperation with the Greens and their presence in the EU decision-making bodies will benefit not only the governing coalition, but Europe as a whole. Therefore, I will appeal to all my partners to involve the Greens in the nominations, even though there is still no European Council leader from this party. I hope that the newly-nominated Ursula von der Leyen will also listen to my appeal, in fact, I will pass her this message directly later today. As you know, in many countries green symbolises hope and freedom. I have much faith in this symbol.’ The Greens maintained their opposition, as did many S&D members. In the end, Ursula von der Leyen [barely exceeded](#) the absolute majority of 374 votes that she needed to be elected.

The *Spitzenkandidaten* process had its denouement in 2019 when the EP rejected Sylvie Goulard, the French candidate for European Commissioner, on 10 October. Sylvie Goulard’s candidacy was problematic for a number of reasons, but many MEPs made it clear that they were eager to take revenge on President Macron, the leading opponent of the *Spitzenkandidaten* process in the European Council. By rejecting Sylvie Goulard and forcing President Macron to propose another candidate, many MEPs sent a not-so-subtle signal of their dissatisfaction with how the *Spitzenkandidaten* process had played out in the European Council.⁵⁴ The newspaper *Le Figaro* described the outcome as ‘a cold shower’ for President Macron and an act of revenge by a European Parliament thwarted in its own choice of candidates for the Commission Presidency.⁵⁵

The [last word](#) on the impact of the *Spitzenkandidaten* process on European Council-European Parliament relations in 2019 belong to David Sassoli. They were among his first words spoken at the beginning of a meeting of the European Council, in his capacity of European Parliament President. Addressing leaders on 17 October, President Sassoli underlined that their choice ‘not to take into account the *Spitzenkandidaten*, although legitimate according to the Treaties, represented for the European Parliament, a wound that will have to be healed’.

14.5. The multiannual financial framework

As noted earlier in this report, the MFF was the dog that did not bark in the European Council in 2019. This was not due to lack of interest on the part of the European Parliament. On the contrary, the EP had already set out its position on the MFF and was eager to start negotiations with the Council as soon as possible. The EP knew, based on experience, that the key negotiation among Member States would take place in the European Council, not in the Council of the EU. When the MFF finally came on the agenda of the European Council, in October, President Sassoli took the

⁵⁴ Khan, M., ‘[How defiant MEPs humbled Emmanuel Macron](#)’, *Financial Times*, 2019.

⁵⁵ ‘[Commission européenne: la candidature de Sylvie Goulard compromise](#)’, *Le Figaro*, 2019.

opportunity in his [opening remarks](#) to reiterate the EP's view that the EU 'need[s] an ambitious budget, equivalent to 1.3 per cent of gross national income', that 'the decision on revenue and expenditure should be a single package', and that the whole system of rebates should be abolished. These points put the EP on a collision course with the European Council. Touching on an especially sensitive issue that was also bound to be controversial in the European Council, President Sassoli explained that the EP favoured introducing 'a new budget protection mechanism that would penalise those who disregard the rule of law'. Finally, a somewhat exasperated President Sassoli recalled that the EP had been ready to negotiate the next MFF since November 2018 and expressed hope that negotiations with the Council could be opened as soon as possible.

President Sassoli repeated these points at the [opening of the December European Council](#), highlighting the 'need to find an agreement as quickly as possible in order to avoid delays in implementing the Union's policies and programmes'. President Sassoli expressed disappointment with the latest proposal from the Finnish Presidency, which fell short of the expectations of all of the Parliament's political groups. President Sassoli cautioned national leaders that 'no one should make the mistake of taking Parliament's consent for granted without having listened to what it has to say'.

Perhaps bearing President Sassoli's comments in mind, President Michel stressed in his [post-summit remarks](#), with respect to the MFF, that the European Council 'considers that it is important to have a good cooperation with the European Parliament, because the European Parliament has also a role to play in order to be able to take this decision'. Similarly, in his [report to the EP on the summit](#), on 18 December, after explaining how he intended to proceed with the MFF negotiations, President Michel went out of his way to express his intention of cultivating good relations with the EP. He suggested that he would engage in 'preventive exchanges' with the EP, such as his meetings the previous evening with several MEPs, 'taking into consideration the institutional role of the EP [in the MFF process]', and with a view to expressing 'all my respect and desire to develop good cooperation with the European Parliament'.

14.6. The Conference on the Future of Europe

The Conference on the Future of Europe came onto the agenda of the European Council in December. [Speaking](#) at the opening of the summit, President Sassoli welcomed the Commission's proposal for the Conference and the Member States' willingness, 'for the first time in 10 years ... to launch a wide-ranging debate on the future of Europe and reach agreement on a shared vision of how we can improve our policymaking in order to achieve practical results and benefits for our citizens'. Not surprisingly, President Sassoli stressed that the EP 'intend[s] to be a driving force in the organisation of the conference and in its proceedings ... it is vital that the Presidents of the three institutions [European Council, European Commission and European Parliament] show joint leadership by taking on a personal role in this process'.

President Michel was conciliatory in his post-summit remarks concerning the Conference on the Future of Europe, referring to the [exchange of views](#) between members of the European Council and the EP President at the start of the summit. While acknowledging the seriousness with which the EP was taking the Conference, President Michel proclaimed that 'We are ready ... in the European Council, to cooperate with the European Parliament [and] to try to have a strong and a good dialogue ...'. At the same time, President Michel mentioned the European Council's responsibility to provide overall guidance to the EU, which it was doing by means of the Strategic Agenda. While the Conference on the Future of Europe would provide an important, inclusive forum for discussing the direction of the EU, it 'is also important for us [the European Council] to be very concentrated ... on the implementation of our Strategic Agenda'. President Michel [repeated these points](#) in his report to the EP on the summit.

15. Conclusions

EU leaders, like other mortals, look backwards as well as forwards at the turn of the year. Looking backwards in late December 2019, national leaders would have noted that their recent summit had been long and acrimonious, and left unfinished business – the quest for unanimity on the goal of climate neutrality by 2050 – for the year ahead. It was the first summit under the presidency of Charles Michel, who had succeeded Donald Tusk at the end of November. Charles Michel was no stranger to the European Council, having served for several years as Prime Minister of Belgium. But the transition to European Council President has been tough. Perhaps more to the point, the first major issue with which he had to deal as European Council President – climate policy – had been especially challenging.

Commission President Ursula von der Leyen was another newcomer to the European Council in December. Her nomination by the European Council and subsequent election by the European Parliament had been a surprise, given that she had not been a *Spitzenkandidat*, or lead candidate, of one of the transnational political parties. The decision by the European Council not to nominate a lead candidate was controversial within the European Council and caused a rift with the European Parliament.

EU leaders knew well in advance that the *Spitzenkandidaten* process was potentially divisive. The qualifications of the two leading *Spitzenkandidaten* – Manfred Weber of the European People’s Party and Frans Timmermans of the Party of European Socialists, neither of whom had held the highest national political office – made it easier for those in the European Council who opposed the process. Still, the political party allegiances of several national leaders were sufficiently strong to keep alive the hopes of Manfred Weber, whose party won the most seats in the elections, and Frans Timmermans. The inability of the European Parliament to quickly rally around either of those candidates also suited opponents of the *Spitzenkandidaten* process in the European Council.

In the end, a clever compromise on the top institutional appointments (Commission President, European Council President, High Representative for Foreign and Security Policy, and President of the European Central Bank) saved the day. Although Ursula von der Leyen was elected in the European Parliament by only a small number of votes, and the EP forced the recall of France’s initial candidate for Commissioner, partly as a rebuke to President Macron, the leading opponent of the *Spitzenkandidaten* process, the package deal was a satisfactory outcome for the European Council.

Nominating and appointing new leaders was one aspect of the new institutional cycle that preoccupied the European Council in 2019. The other – adopting the 2019-2024 Strategic Agenda – was much less fraught. Both were central to the European Council’s Treaty-based responsibility to provide overall direction for the EU, and new institutional leaders would guide the EU by the light of the Strategic Agenda. The European Council had spent a considerable amount of time since 2017 debating the future of the EU, and had issued a series of declarations on the subject. The informal Sibiu summit in May 2019 provided an ideal opportunity to tie important pieces together. As a result, leaders had little difficulty adopting the Strategic Agenda, covering a range of internal and external issues, at their June summit.

Looking back on 2019 from the vantage point of late December, leaders would have been struck by how much time they had spent on Brexit, given that the UK was slated to leave the EU at the end of March. As it happened, the domestic politics of Brexit contrived to keep the UK in the EU beyond the end of the year. The European Council thrice granted the UK’s request for extensions to the departure deadline, due to the inability of Prime Minister May’s government to win parliamentary approval of the Withdrawal Agreement and, subsequently, the need for additional time in the UK to win parliamentary approval of the revised Withdrawal Agreement negotiated by the new government of Prime Minister Johnson.

Members of the European Council were divided on the merits and the length of the proposed extensions, but ultimately decided that they had little choice than to be patient. Some leaders may have wished that the longer it took the UK to leave the EU, the more likely the UK was, perhaps, to remain in the EU. But few leaders, if any, can genuinely have hoped for such an outcome. At best, it was up to the European Council to make the UK's departure as painless as possible in the more realistic hope of cultivating good, post-departure EU-UK relations.

The endpoint of Brexit would see the UK becoming a third country (a non-Member State). At the same time that the European Council was dealing with the messy process of Brexit, it was also dealing, as it had been for years, with the protracted process of enlargement. The UK may have been on the way out of the EU, but a number of countries, notably in the western Balkans, were eager to get in. By 2019, enlargement policy – the procedure of leveraging possible membership in order to accelerate economic and political reforms in candidate countries and promoting stability in the notoriously insecure region of the western Balkans – had lost its edge. Accession negotiations with Serbia and Montenegro appeared to be moribund, and the European Council had yet to agree to open negotiations with Albania and North Macedonia.

Leaders tackled the question of Albania and North Macedonia at the October summit, but entrenched opposition from President Macron once again prevented agreement from being reached. Apart from particular concerns about the preparedness of both countries for accession negotiations, let alone eventual membership, President Macron had misgivings about the fundamentals of EU enlargement policy. By the end of the October summit, leaders knew that enlargement in general, and Albania's and North Macedonia's accession in particular, would come before the European Council again in 2020.

Apart from relations with aspiring Member States, external relations are invariably on the European Council's agenda. Relations with China engaged the European Council in 2019, especially in the early part of the year, in the run-up to the EU-China summit in April. A combination of commercial and strategic concerns brought China to the forefront of EU affairs, although opinions about the best approach for the EU to take differed among national leaders. In the end, the European Council was able to agree on a set of objectives for EU-China relations, and the EU-China summit appeared to have been a success.

Closer to home, relations with Russia and Turkey remained tense. The European Council continued to criticise Russia for its meddling in Ukraine and easily agreed to maintain sanctions for Russia's annexation of Crimea. The European Council was equally critical of Turkey's illegal drilling in the eastern Mediterranean and military adventurism in Syria. Clearly, the challenge of coping with a resurgent China, and strained relations with Russia and Turkey, would require the European Council's attention in 2020, as they had in 2019. The challenge of dealing with the US under President Trump was very different, but would also require the leaders' attention in 2020.

There was one item, above all, that leaders anticipated having to confront in 2020, but that few were looking forward to; that was the multiannual financial framework. Leaders had set out their positions on the big questions concerning the MFF – its overall size, the future of rebates, the possibility of new revenue sources – in 2019, but resolutely refrained from entering into substantive negotiations. Nevertheless, the battle lines were drawn between 'frugals' and the net beneficiaries of EU expenditure. Rather than begin intensive negotiations in 2019, all thought it better to wait for the new Commission President and the new European Council President to arrive, and to put off, during an otherwise busy year, negotiations that were bound to be acrimonious and drawn-out, but that should still be possible to conclude on time in 2020 to allow the new MFF to come into effect in January 2021. Little could leaders have known what awaited them. The MFF negotiations would indeed be arduous, but for more than the usual reasons. The looming pandemic would complicate

everything and ensure that the forthcoming budget negotiations would be unlike any previously experienced in the European Council.

In retrospect, because we know what was coming in 2020, it is tempting to see 2019 as the end of an era in the European Council, and generally in the EU. If so, that era ended, for the European Council, not in December 2019 but in February 2020, which was when the last 'normal', pre-pandemic summit took place. Without knowing what was to come, leaders could look back on the previous year, from the perspective of December 2019 or February 2020, as a crisis-free time during which they faced serious challenges but, on the whole, succeeded in dealing with them. By 2019, the European Council had acquired an identity and a working method that carried it through a myriad of trials and tribulations. Leaders could not have foreseen at the end of the year that the resilience of their institution would soon be put to an unprecedented test.

The year 2019 provided a respite for the European Council from crisis management, but was not without major challenges. Three stood out: the *Spitzenkandidaten* process for selecting the next President of the European Commission; Brexit, which unexpectedly remained on the agenda of the European Council throughout the year; and policy towards climate change.

The European Council had mixed feelings about the *Spitzenkandidaten* process, with one of its leading members being adamantly opposed. That set the stage for a bruising battle, which culminated in an epic special summit, lasting from 30 June to 2 July. None of the transnational parties' lead candidates received the European Council's nomination. Instead, the European Council nominated a relative outsider, Ursula von der Leyen, as part of a package of appointments to leading EU positions, the cleverness of which managed to overcome differences among national leaders.

Meanwhile, the inability of the UK government to win parliamentary support for the Withdrawal Agreement obliged the UK to request extensions of the deadline. Much to its surprise, the European Council met in the Article 50 format on four occasions in 2019, the last one being on 13 December, to discuss preparations for the negotiations on future EU-UK relations after the UK's eventual departure, which happened on 31 January 2020.

Climate was another issue to the fore in 2019, as the European Council sought to reach unanimity on a commitment by the EU to cut net carbon emissions to zero by 2050. Failure to reach unanimity, during difficult negotiations at the December summit, was seen as a setback for the new President of the European Council, Charles Michel, who was attending his first meeting of the institution in that capacity.

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